

# **BOARD OF SELECTMEN APPROVED MINUTE DISTRIBUTION LIST**

**FYI**

**TOWN CLERK**

**MEMORIAL LIBRARY**

**BOARD OF HEALTH**

**HISTORIC DISTRICT**

**CULTURAL COUNCIL**

**SUPT. OF SCHOOLS**

**VCC**

**TAC**

**PLANNING BOARD**

**HIGHWAY**

3/12/07  
(28)

# Minutes Board of Selectmen and Sewer Commissioner's Meeting

**May 8, 2006**

Francis Faulkner Hearing Room  
Acton Town Hall

**7:00 P.M.**

**Present:** Walter Foster, Peter Ashton, Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Town Manager and Assistant Town Manager. The meeting was televised.

## **EXECUTIVE SESSION**

There will be a need for an executive session.

## **CITIZENS' CONCERNS**

Several citizens spoke to the Board in regards to Perchlorate in their water and/or migrating to their wells. Henry "Chip" Chapin from Brabrook Road questioned who introduced the chemical to the property? He had to file with his insurance company (someone out of Concord) and they want a meeting with a geologist (Exeter, N.H.). He questions who will reimburse for all the costs of testing. Additionally, he had the ability to hook up to the Town System at cost by agreement with the builder, but it is still an expensive undertaking. Debbie Adams lives at 10 Brabrook Rd. The Water District allegedly told her that there is nothing they could do to help. She would like payment for her continued testing. What as a body will the selectmen do to help and stop blasting? This blasting is on a Public roadway as well as affecting private property. Carole Holly of Flagg Road noted that they do not have an option of hooking up to Town water as the Brabrook folks can. What will they do when the chemical reaches their neighborhood and contaminates their wells? The town needs a new By-Law and a committee to make that happen. Chairman Foster has asked for more education and information. He requested that the item be placed on a timed slot on the Agenda for the next meeting. The Planning Board should be available for a briefing on the subject. It was noted that the Board also needs facts and information from counsel about possible town liability.

On an aside Carole Holly (Who was present to speak about the water issues) asked about a memorial for Micki Williams. (Bench for Micki Williams) "In Memory of Micki Williams Tireless Volunteer for the Acton Community" Chairman Foster and the other Board members agreed that it was a nice idea to have a bench for Ms Williams. She was asked to get the Board something in writing (the specific wording) to put on consent at the next meeting.

## **SEWER COMMISSIONERS' BUSINESS**

There was none.

## **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Town Manager Don Johnson gave an update on the Volunteers needed for Town Committees. We are looking at a lack of people the manager noted as he read a list of openings prepared by the Chair of the Volunteer Coordinating Committee. If anyone would like to gather more information please call Nancy Whitcomb at 263-5394 or the Town Manager's office.

**CONSENT ITEMS** 11-17 plus ACHC Memorandum for Willow/Central Street were voted on. Selectman Ashton asked to hold #11. Selectman Magee asked to hold #14.  
**All other consent items were approved.**

**REQUESTS TO SELL ITEMS AT COMMUTER LOT, SOUTH ACTON VILLAGE MARKET** – Rebecca Niles Peretz, a resident of Acton has started a new business at 134 Main Street. South Acton Village Market is now requesting permission to sell flowers, coffee and grocery items at the commuter lot. Chairman Foster noted coffee already approved for another vendor and there seems to be a need for a policy on such things as sales at the commuter lot. Selectman Hunter was contrary to using the town MBTA space with various carts. Selectman Rosenzweig stated that Rebecca came before the Commuter Rail Committee and has spoken to them and they have given her their support. The committee would like to see her get started. Selectman Magee approved the selling of flowers only for 6 months to allow the Board to get staff comments on a policy for others that are sure to follow. Magee stated he would like to approve everything but needs more input from the Health Department and Planning. Approval will be needed from the various departments to put a policy together. Chairman Foster feels it is important to be sure about a clear policy in using the parking spaces and MBTA property. Selectman Rosenzweig asked about the size of cart and/or vehicle and what other equipment would be needed. Rebecca says nothing large (4X4/8x8) for the flowers. Nothing permanent will be left there everything will be wheeled in and wheeled back. Selectman Hunter asked how many vendors can be handled competitively? (That number should be in the policy.) Selectman Magee stated the Board will support S. Acton businesses as a first priority. The rest of the Board agreed.  
**It was moved by Selectman Hunter that the Board will take up a policy at next meeting including location and licensing and how many vendors the lot could handle, but flowers are approved starting Friday. A temporary location will need to be found. All other items to be sold will be deferred until the policy is in place. Selectman Rosenzweig seconded. It was agreed that it will be continued.**

## **SELECTMEN'S BUSINESS**

**MAKAHA RESTAURANT LIQUOR SERVICE ISSUES** – Selectman Ashton suggested not to move the stay. Selectman Rosenzweig asked for clarification. Selectman Hunter noted that the appeal if stayed could be 2-3 years being appealed. Selectman Magee asked for clarification from the Town Manager. **Selectman Foster moved to reject the stay. Selectman Hunter seconded the motion. All were in favor. The license has not been handed in. The license will be picked up 5/9/06.**

**FY07 RECREATION BUDGET AND FEE SCHEDULE** – The Town Manager introduced the NARA Park Summer Program. He did a brief history of how the revolving account works in the Recreation Department. Investments made in the program last year were substantial and we did break even. Chairman Foster asked if it wasn't a moot point to set fees not approved as the program is already printed. The Town Manager stated some change would still be possible. Selectman Hunter stated the time to talk about change for next summer is now.

Chairman Foster prefers not to make changes now. (The program is set and the director is leaving.) Selectman Ashton asked why the change to the senior rate? Selectman Rosenzweig stated how wonderful it is that we have the programs available at such low rates. Chairman Foster would still like to address fees because of increase in costs such as vehicles and fuel. Increases should be small and incremental.

**Selectman Ashton moves to retain fees as set for this year, roll back the beach fees to FY 05 level and asks for a recommendation on fees from the recreation department by Nov. 30, 2006 for FY 07. Seconded by Selectman Magee. All agreed.**

**NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Selectman Hunter moved to approve. Selectman Ashton seconded. All agree to pass.

**NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Recreation department recommended status quo. No action required

**BOARD OF SELECTMEN'S FY07 MEETING SCHEDULE** – Approved, Chairman Foster stated that it should be on the website.

**ISSUES FROM SELECTMAN ROSENZWEIG**– Chairman Foster request to have added to the Agenda a list of new goals to be carried forward and Committee assignments. Some of Selectman Rosenzweig's concerns should be on that list. They might become the basis for new sub-committees to be formed. Selectman Rosenzweig is an EDC member and reported from the committee that commercial space is back up in Acton. Businesses are having problems with sign by-law, education is needed. Confusion exists on permitting and lighting even though there are regulations available, the town should supply greater support. The town should invest in some outreach programs to help refresh the by-laws in business community which would be people friendly. She would like to schedule an oversight meeting on the future role of the EDC and EDIC. Selectman Ashton stated the committee is on hold until they have a manifest and BOS should sit down with them.

CWRMP-What are the next steps of public outreach from the board after MEPA has approved the report. Acton needs a new committee concerning the MEPA process and beyond.

Sylvia Street has petitioned to be added to Sewer Treatment Plant. What is the process they should use to go forward?

Shuttle Guidelines Committee is being formed, if interested call the Town Manager's office.

Board assignments –As this is being done, Selectman Foster would like to recruit people for waste water treatment.

**BOY SCOUT COURT OF HONOR, ROBERT WILSON** – Selectman Magee is pleased to accept the assignment to attend. Assistant Town Manager stated that Robert worked on the Isaac Davis Trail for his project.

## **OTHER BUSINESS**

Chairman Foster updated the Board on the Morrison Farm Committee. They are going forward and writing up a proposal. The most supported idea at this point is use of the land for an organic farm and to raise small animals, retain the wooded area and create ball fields. The Committee would like the house to have a live-in keeper. They are also talking about some long term plans and solving the parking problem.

Andy Magee reported on the TIP meeting.-we are on schedule and very interested. There are 30 rail trail projects across the state and we should stay on focus.

## CONSENT AGENDA

All items except # 11 and 14 approved. Items 11 and 14 approved separately.

**11. SULLO DOG HEARING – #11 Consent-** Selectman Ashton suggested the Town should take custody of the dogs until the hearing. (Protective Custody) Chairman Foster is concerned because of the behavior of the owner of the dogs. Selectman Magee believes we should go forward with the hearing. Selectman Hunter asked if there is an adequate way to take custody of the dogs. Dore saw them in action in the parking lot in a car. He was scared by the dogs even in an enclosed vehicle. The Town Manager feels that the officer in this situation exercised extraordinary restraint. He questioned if there are alternatives for enforcement in the interim before the hearing. Selectman Hunter would like the last resort to be putting the officer in charge of having to be faced with the danger of having to shoot the dogs, stray bullets etc. Selectman Ashton would like to be better informed about how to take the dogs into custody. If they are taken into custody it will be until the next meeting when the hearing will take place. Selectman Ashton moves to authorize Town Manager to investigate taking custody and do so until a show cause hearing can be arranged a hearing with the Board of Selectmen. The letter was approved. Selectman Hunter seconded. Manager will move on this in the morning. All agreed with the motion.

**12. ONE DAY LIQUOR LICENSE, PELAGIC SAILING CLUB –** at NARA - Approved

**13. PROCLAMATION, LOUISE WOJTKIEWICZ, DISTRICT GOVERNOR, MASSACHUSETTS LIONS DISTRICT 33N –** Approved.

**14. LICENSE REVISION, UNDERGROUND STORAGE TANK, PRO TECH GULF, 408 MASSACHUSETTS AVENUE –** Selectman Magee wanted reassurance on the tank being approved and up to specifications and code. Chief Craig will determine if tank meets current codes before issuance. Selectman Magee moved to approve with conditions and Selectman Hunter seconded. All agreed.

**15. ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY –** A donation of \$792.00 from the Citizens' Library Auxiliary to be used for the expenses of their Tot Time program. Approved

**16. ACCEPT GIFT, COMCAST –** \$2,500.00 from Comcast, to be used to support the KISS108 concert and Family Fest Day at NARA Park - Approved

**17. ACCEPT GIFT, KATHY SARTORELLI –** a gift in the amount of \$25.00 from Kathy Sartorelli, to be used for the Elm Street Light Replacement Project - Approved

## TOWN MANAGER'S REPORT

None

## EXECUTIVE SESSION

Selectman Rosenzweig moved to go into Executive Session to discuss litigation and disposal of real property. A roll call vote was taken. All members Aye. The Board adjourned the Executive Session and went back into open session only to adjourn the Selectmen's Meeting.

## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

July 24

August 14

September 11 & 25

October 16 & 30

November 13 & 27


### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park: Fees

### GOALS carried forward

3. Policy Review/Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Walter)
4. ALG process be used for purpose of Budget Planning for FY08 (Walter/Andy)
5. Middlesex Pension Alternatives (Peter)
6. Capital Plan for Town Meeting-Reengineering report (Peter/Mullin)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

# **AGENDA BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**MAY 8, 2006**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

## **I CITIZENS' CONCERNS**

## **II SEWER COMMISSIONERS' BUSINESS**

## **III PUBLIC HEARINGS & APPOINTMENTS**

1. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:15 REQUESTS TO SELL ITEMS AT COMMUTER LOT, SOUTH ACTON VILLAGE MARKET** – Enclosed please find three separate requests from the South Acton Village Market, for Board consideration.

## **IV SELECTMEN'S BUSINESS**

3. **MAKAHA RESTAURANT LIQUOR SERVICE ISSUES** – Enclosed please find correspondence from Counsel for the Makaha, for Board consideration.
4. **FY07 RECREATION BUDGET AND FEE SCHEDULE** – Enclosed please find materials in the subject regard, for Board consideration.
5. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.)
6. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.)
7. **BOARD OF SELECTMEN'S FY07 MEETING SCHEDULE** – Enclosed please find materials in the subject regard, for Board consideration.
8. **ISSUES FROM SELECTMAN ROSENZWEIG** – Enclosed please find materials in the subject regard, for Board consideration.
9. **BOY SCOUT COURT OF HONOR, ROBERT WILSON** – Enclosed please find an invitation to Mr. Wilson's Court of Honor on May 21, 2006, for Board assignment.
10. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

11. **SULLO DOG HEARING** – Enclosed please find a proposed “Order to Show Cause” letter from Town Counsel in the subject regard, for Board approval.
12. **ONE DAY LIQUOR LICENSE, PELAGIC SAILING CLUB** – Enclosed please find a request in the subject regard, for Board consideration.
13. **RESOLUTION, LOUISE WOJTKIEWICZ, DISTRICT GOVERNOR, MASSACHUSETTS LIONS DISTRICT 33N** – Enclosed please find a request for a proclamation honoring Ms. Wojtkiewicz, for Board consideration.
14. **LICENSE REVISION, UNDERGROUND STORAGE TANK, PRO TECH GULF, 408 MASSACHUSETTS AVENUE** – Enclosed please find a request in the subject regard, for Board consideration.
15. **ACCEPT GIFT, CITIZENS’ LIBRARY AUXILIARY** – Enclosed please find a gift in the amount of \$792.00 from the Citizens’ Library Auxiliary, to be used for the expenses of their Tot Time program, for Board acceptance.
16. **ACCEPT GIFT, COMCAST** – Enclosed please find a gift in the amount of \$2,500.00 from Comcast, to be used to support the KISS108 concert and Family Fest Day at NARA Park, for Board acceptance.
17. **ACCEPT GIFT, KATHY SARTORELLI** – - Enclosed please find a gift in the amount of \$25.00 from Kathy Sartorelli, to be used for the Elm Street Light Replacement Project, for Board acceptance

## **VII TOWN MANAGER’S REPORT**

## **VIII EXECUTIVE SESSION**

**THERE WILL BE A NEED FOR EXECUTIVE SESSION.**

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.


### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)

3/12/07  
(28)

# **Minutes**

## **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**June 26, 2006**  
Francis Faulkner Hearing Room  
Acton Town Hall

**7:00 P.M.**

**Present:** Chairman, Walter Foster, Peter Ashton, Dore' Hunter, Lauren Rosenzweig, Andy Magee and the Town Manager Don Johnson. The meeting was televised.

### **CITIZENS' CONCERNS**

Citizens from the Brabrook neighborhood 1 Flagg Road, were present to discuss water issues and testing in their wells. Seeing that the item was not on the agenda, Chairman Foster directed the group to look to the Health Department for the answers to some of their concerns. Since the issue is about a non-controlled compound, all involved need to be further educated. A resident stated that they will be testing all of the homes in the neighborhood.

### **SEWER COMMISSIONERS' BUSINESS**

NONE

### **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Town Manager Don Johnson spoke to the Board about the decision to cancel the 1<sup>st</sup> concert of the summer concert series at NARA. The weather just proved to be too much of an obstacle and he was very sorry to have to cancel as it did cost the town money. There are several more concerts this summer, (KISS, Pink Voyd, The Drifters, Second Story Band and Help Wanted). The Selectmen's Concert is this Thursday.

**CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S, 305 MAIN STREET** – David Chambers has been transferred to Not Your Average Joe's. He has been in the restaurant business for 22 years, 3 years with Not Your Average Joe's. Selectman Rosenzweig asked about their liquor serving policy-How do you make a determination about over serving? The TIPS training program at their restaurant has been replaced with the Bar Code Training Program. It consists of approximately 9 hours of course training once a quarter. An internal corporate person trained in teaching the program rotates to the restaurants various locations. Chairman Foster asked about Community outreach. Mr. Chambers stated that the corporate culture is very involved in participating and honoring community needs. Selectman Magee stated again that Acton takes over-serving very seriously. Mr. Chambers said they card all ages and the bar closes at 10:00 P.M. They also take it very seriously. Servers make the decision to cut off a patron; they will not allow a manager to overrule a server. Selectman Hunter stated establishment is sincere and therefore they should have an updated written serving policy. He would like to see the more detailed written policy. He requested a detailed copy to send to the Board. Selectman Ashton stated that he has experienced and heard that parking seems to be an issue. Mr. Chambers stated they are aware it is a problem and are trying to address it.

Selectman Ashton moved to approve and Selectman Foster seconded. It was repeated that the Board does want a updated copy of the current Bar Code Training Policy. The vote was unanimous with conditions of presenting an updated liquor service policy.

**SPECIAL PERMIT/SITE PLAN SPECIAL PERMIT # 11/18/98-366 PHASE II, ROBBINS BROOK SENIOR LIVING COMMUNITY, 906 MAIN STREET** – Selectman Foster read the public announcement. George Dimakarakos, from Stamski and McNary, Inc., proposed final plans for Phase III, adding 9 units (85 townhouses). The 9 units being considered tonight are part of the original plan. The proposal calls for an additional affordable unit not required. Mr. Vazza has also offered a contribution to NARA or fund of the town's choosing of \$2500. All departments have reviewed and commented on the proposal. Selectman Ashton asked if the Water District had been involved in finding solutions to some of the residents concerns. They incorporated suggestions from the Water District such as relocating a 16 x 8 tapping sleeve and taking out 2-90 degree bends in the water main. Odor complaints are still coming in. Dan Lipscomb stated a carbon absorbent scrubbing unit is being used and a new one will be added. They have researched the problem. Continuing Care uses White Water for their treatment needs and the developer works with White Water and the Board of Health. It is a wastewater treatment plant and there will be odors, but the developer will develop ways to limit the odors. Selectman Hunter asked if fair notice, due to noise of shooting from Gun Club, is given to perspective buyers. There is a disclosure to any buyer on one side of the development near the Gun Club. Selectman Magee questioned when the total of the design is finished what will be the average flow? Currently it is at 60% build out now with 1 treatment field. It is running under capacity now because the 2<sup>nd</sup> treatment field is not in use. When water tests are complete and accepted they will open the second treatment plant. (Standard orders of conditions from conservation were required.) Selectman Ashton discussed sidewalks. Selectman Rosenzweig was concerned how the sidewalks were going to be constructed. Sidewalks met the Transportation Advisory Committee's (TAC) approval and will match Main St. sidewalks. TAC was pleased with the attention to detail on the sidewalks. Selectman Foster asked that the Board of Health continue to monitor the on-site wastewater treatment plant. A pro-active step is to backwash 3:00-4:00 am, backwash is another cause of the odor. Clarification was provided on the leaching fields; there are 2 separate fields, DEP requirements have them alternating. A copy of the "as built" is in the control building with White Water...They will provide updated detailed plans for the residents to work from. A Kingsdale Drive resident had a problem with the odor from the septic system and expressed concerns last year and met with the developer. He did not feel it was as bad this year. Elder citizens look to the town for protection. Robbins Brook residents, do they need to absorb an additional \$25K for scrubbers. Residents are saying it was undersized. Residents want to know if they put in a larger scrubber, who will pay? The developer stated they would pay the costs. A resident of Main Street is downwind and did suffer constant odor. Lately, it has been good but will the odor return? He would like to see the odor monitored and if it comes back immediate action can be taken. The Town Manager requested that residents call the Board of Health (BOH). Residents say they were discouraged about non-response from BOH. Selectman Hunter asked at the very least residents should keep a log. Chairman Foster asked the developer to work much closer with the association and the variety of complaints. They do not show sensitivity to the problems. June Barnes needs a copy of the final plans as installed. The current developer did not install irrigation and doesn't have plans. Landscape irrigation system has no plans and street lights have no plans. Questions concerning working street lights were answered. Current maintenance had turned off the lights to move a street light and when they turned lights back on they were 12 hours off. The lights were working they just needed to be reset. They are now reset correctly. Selectman Hunter said a lot of these complaints do not really apply to additional units. Selectman Ashton moved to close the hearing. Selectman Magee was concerned and wanted a continuance until the problems

were addressed. Mr. Dimakarakos stated that the Board of Health still has a hearing in which it can impose conditions additionally; the Health, Engineering and Building Department have a list of requirements before an occupancy permit will be presented.

**A vote was taken. 4 in favor of taking the application under advisement and to work more carefully with the residents, White Water and Board of Health - 1 Opposed, Selectman Magee.**

**ISSUING AUTHORITY REPORT (IAR), CABLE TELEVISION LICENSE PROCESS, VERIZON OF NEW ENGLAND, INC.** – Frits Riep presented a draft of the proposed Issuing Authority Report. Staff and Selectmen comments have been incorporated. The Cable Advisory Committee (CAC) would like it approved to send to Verizon. Verizon will have 30 days to respond. The Public Hearing could then be scheduled for the Board's regularly scheduled meeting on Aug. 14. Selectman Foster stated he would approve and send. Selectman Magee noted language that is weak in 2 sections. Mr. Riep stated that all is covered by the level playing field and provisions of the Comcast Agreement. John Covert will adapt minor language changes into the document tonight. Selectman Rosenzweig wanted very clear language that underground is understood, no above ground service poles. **Chairman Foster moved to approve the draft with amendments to be given from John Covert- Selectman Magee seconds - all agree.**

**CLASS II DEALER'S LICENSE, WAY AUTO SALES, 188 MAIN STREET** – Mr. Moreir of Way Auto Sales presented his plan for parking and passed around pictures. Selectman Rosenzweig asked how many cars the license allows. The limit is 6. Selectman Rosenzweig stated her concern is environmental. She additionally asked if there are any planned improvements on the property. Mr. Moreir stated he would like to make improvements with paint and landscaping.

Selectman Magee read the Building Department's questions regarding parking of on-site construction vehicles. There is a loam pile that will be moved shortly. Twenty two years ago there was a tank problem. It was removed and is clean. DEP had the case closed out. Selectman Ashton requested a check of the taxes to determine if they are current. Chairman Foster wants to see that the property is in proper use. (Repairs go to Acton Gas, do not sit in the lot). These following conditions need to be fulfilled (1) Need proof of Septic system being pumped, (2) 6 cars limit and (3) no storage of stockpiles or construction vehicles.

**Selectman Hunter moved to grant approval as long as above conditions are met, Selectman Magee seconds. All voted in favor with conditions.**

**SEWER EXTENSION REQUEST, SYLVIA STREET** – Paul Gaboury presented his request to extend the sewer to Sylvia Street. It is the 3<sup>rd</sup> request from Mr. Gaboury made since 2003 and in each case all neighbors signed in agreement. In May of 2003, Town of Acton was notified of Maynard's Zone 2. This severely limited South Acton resident's development choices. Selectman Aston asked if there were any staff comments concerning Maynard's Zone II. The Town Manager stated there were none that he knew about. Selectman Hunter asked if staff could find the notification and make comments. Maynard wells are 2000 ft from Sylvia St. Bedrock wells were put in strictly as backup. Selectman Rosenzweig would like staff to note that Sylvia Street has been working on this proposal since 2004. She would like comments to get to MA Environmental Policy Act (MEPA) quickly and the Town Manager suggests getting input from staff. Selectman Foster requests staff input for priority needs area in the Sylvia Street neighborhood. Information is needed on this neighborhood to find out how many bedrooms exist. Could Paul Gaboury provide this information to the Board. Terra Freidrichs stated MEPA says town has control over making changes. Selectman Rosenzweig emphasized MEPA needs to be given the updates as the plan changes. Charles Kadlec asked if the Environmental Notification Form (ENF) has actually been filed. The plan was filed June 30, 2006, setting into motion certain time

frames. It allows 20 days for comments (due to the 4<sup>th</sup> of July holiday the comment period actually won't start until July 10) and 10 additional days for a decision if an Environmental Impact Report will be needed or certification issued. Health Department needs to be part of discussion of post card mailing and information session prior to the July 11 public comment session. Allen Nitschelm is confused about the process, who should make comments. Beth Petr would like a mailing (pre post card notification) to offer an educational session about the public comment period. MEPA insist on post card for the legal comment period. Chairman Foster stated the Town of Acton has to take initiative to inform and educate people about the public comment period. Citizens say they are paying, so funding is not an issue. Homes are in protected area. (Who was responsible for not seeing the letter from 2003 from Maynard? Maynard's Zone II was not known when Comprehensive Water Resource Management Plan (CWRMP) was done. Selectman Magee urged not to take the plan back and stop the process.

**EXCHANGE HALL REDEVELOPMENT PLAN UPDATE** – Glen Berger introduced Wayne Belec as project manager and stated that currently plans are stopped. There are 3 existing buildings and 2 entries into the lot (School St. and Main St.) Mr. Belec discussed the existing vegetation. He has made a request to Historic District Commission (HDC) to remove 1 building, 127 Main St. in the back. The plans call for a restaurant on 2 floors, (183 seats) with 3<sup>rd</sup> floor and 4<sup>th</sup> floor function rooms. Offices will be located in the second building. Overflow will necessitate valet parking after 6:00 P.M. at commuter lot. Testing on property for ground water is being done next week. Chairman Foster is very pleased to see that work plans are being developed and reviewed with the town staff. The selectmen are happy to see renovation plans for this historic property. There were general questions about the property, many of which can be better answered after the July 5<sup>th</sup> hearing with the Historic District Commission (HDC). The developer would like to make an arrangement with the town for parking at the Commuter Lot after 6:00 P.M. The Town has current plans to construct an additional lot near Exchange Hall. The selectmen were encouraged by the progress of the plan and asked how viable the completion of this plan. Mr. Berger stated there is an interested person who wants to see leases and requirements from the town. Selectman Ashton addressed traffic concerns, the existing curb is an issue and a Commuting Study should not have been done on a busy Friday. The Town Manager stated staff will be ready to negotiate the lease. Chairman Foster believes the building can be a gem in Acton. The HDC had representation at the meeting and is concerned with demolition and changes in materials. They wanted to make clear the process-Public Hearing 3 week lag time and 2 week newspaper notice, then a site plan is obtained, followed by a special permit. Engineering department will also meet with the developer. Selectman Ashton was assigned to be the site plan representative from the board.

## **SELECTMEN'S BUSINESS**

**FY07 REAPPOINTMENT LIST** – Chairman Foster called for a temporary measure to allow the Board members to verify with their committees necessary reappointments. The reappointment list will appear back on the July 24<sup>th</sup> Agenda. Chairman Foster stated the Board will not now act on new volunteers.

**Selectman Hunter moved to approve a one month extension for all current board and committee members and Selectman Ashton seconded, all agreed.**

**BOARD OF SELECTMEN COMMITTEE ASSIGNMENTS AND GOALS DISCUSSION** – Selectman Foster assigned Board Members to Committees. See attached. The board reviewed the goals for FY 08.

**FY06 YEAR-END BUDGET REPORT** – Because of careful budget planning through out the year, the Town Manager anticipated approximately \$220K for FY 2006 and recommended

the Board applies it toward selected items from the Town's capital plan. Selectman Ashton suggested to replenish the Senior Work Program fund with 30K. Selectman Foster selected necessary items from the top of the list of items not able to be funded earlier this year. (A 1 ton truck-\$140K, truck 100-\$30.K and a car 31 deputy car)  
**Selectman Hunter moved to approve the spending Selectman Ashton seconded. All in favor and the motion passes.**

**AUTHORIZATION TO PROCEED, SEWER EXTENSION PROJECT, POWDERMILL PLAZA –**

**Selectman Magee moves to accept a check in the amount of \$572,357.00 to extend the sewers at Powder Mill Plaza. Selectman Hunter seconds. All in favor and motion passes.**

**TRAFFIC SAFETY CONCERNS, SCHOOL STREET/CHADWICK STREET –** This item will be put on the July agenda as a study prepared by the Chief of Police will need to be completed before discussions begin.

**FEE WAIVER REQUEST, SENIOR RESIDENCE SPECIAL PERMIT, WOODLANDS AT LAUREL HILL –** The Town Manager spoke in favor of saving the seniors \$13, 512.00 on the permit fee.

**All selectmen were in favor and the request was approved.**

**LOCAL INITIATIVE PROJECT (LIP) REGULATORY AGREEMENT, MONITORING AGREEMENT AND APPLICATION FOR APPROVAL OF UNITS, ELLSWORTH VILLAGE –** 3 units, 10 % of the total development of age restricted units. This is the first approval of the age restricted developments in Acton as Local Initiative Project (LIP) units.

**The Selectmen approved the Regulatory Agreement, the Monitoring Services Agreement and the Affordable Housing Deed Rider. Selectman Ashton moved to approve. Selectman Hunter seconded. Approval was unanimous.**

**SENIOR WORK PROGRAM –** Selectman Ashton stated that the program 7 years old. It is a popular program.

**Motion moved to continue funding the program. All were in favor. Motion passed.**

## **OTHER BUSINESS**

Selectman Rosenzweig - Design Guidelines Committee report is ready to go before the Board.

Selectman Magee – The Governor vetoed the insurance for the Rail Trail. Andy recommended continuing to move forward on 25% designed plan.

Chairman Foster - Testified at the NESWC hearing with Senators Resor and Eldridge.

Selectman Hunter - Reiterated the lack of IT resources. Need to get IT resolved.

Selectman Ashton - Has a draft of the manager's review. It will be presented to the Board at the July meeting.

Selectman Ashton and Magee - Will review the final LIP for the Davis Place hearing.

**The Town Manager had the Woodlands at Laurel Hill Memorandum Notice of Agreement. The Board did approve.**

## **CONSENT AGENDA**

**All items 16-23 Chairman Foster moved to pass, Selectman Hunter seconded, move to pass was unanimous.**

16. **DRAFT BOARD OF SELECTMEN'S MINUTES** for June 12, 2006 were approved.
17. **2006 RECERTIFICATION, "NO PLACE FOR HATE" COMMUNITY**, Anti-defamation League League for the Town of Acton
18. **CONFIDENTIAL REQUEST FOR FEE ASSISTANCE**, for NARA Park summer program
19. **ONE DAY LIQUOR LICENSE** request from Jennifer White, at NARA Park,
20. **ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY** – of a Library Membership to Fruitlands Museum (valued at \$85.00) from the Citizens' Library Auxiliary, to be used by the Citizens' Library,
21. **ACCEPT GIFT, ACTON GARDEN CLUB** – in the amount of \$300.00 from the Acton Garden Club, to be used for tree planting at NARA Park,
22. **ACCEPT GIFT, MATTHEW AND SUSAN MURPHY** – in the amount of \$50.00 from Matthew and Susan Murphy to be used for the Elm Street Lighting Project,
23. **ACCEPT GIFT, DAVID HARRINGTON** – in the amount of \$125.00 from David Harrington for tree planting at NARA Park,

## **Executive Session**

Selectman Rosenzweig moved to go into executive session for the discussion of potential litigation. Roll was taken, all ayes. The Board adjourned into regular session only to adjourn the meeting.

## **TOWN MANAGER'S REPORT**

None.

## **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

July 24  
August 14  
September 11 & 25

October 16 & 30  
November 13 & 27


**GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park: Fees

**GOALS carried forward**

3. Policy Review/Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Walter)
4. ALG process be used for purpose of Budget Planning for FY08 (Walter/Andy)
5. Middlesex Pension Alternatives (Peter)
6. Capital Plan for Town Meeting-Reengineering report (Peter/Mullin)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

# **AGENDA BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**June 26, 2006**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

## **I CITIZENS' CONCERNS**

## **II SEWER COMMISSIONERS' BUSINESS**

## **III PUBLIC HEARINGS & APPOINTMENTS**

- 7:02 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
- 1. 7:15 CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S, 305 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
- 2. 7:30 SPECIAL PERMIT/SITE PLAN SPECIAL PERMIT # 11/18/98-366 PHASE II, ROBBINS BROOK SENIOR LIVING COMMUNITY, 906 MAIN STREET**– Enclosed please find materials in the subject regard, for Board consideration.
- 3. 7:45 ISSUING AUTHORITY REPORT (IAR), CABLE TELEVISION LICENSE PROCESS, VERIZON OF NEW ENGLAND, INC.** – Enclosed please find materials in the subject regard, for Board consideration.
- 4. 8:00 CLASS II DEALER'S LICENSE, WAY AUTO SALES, 188 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
- 5. 8:15 SEWER EXTENSION REQUEST, SYLVIA STREET** – Enclosed please find materials in the subject regard, for Board consideration.
- 6. 8:30 EXCHANGE HALL REDEVELOPMENT PLAN UPDATE** – Enclosed please find materials in the subject regard, for Board consideration.

## **IV SELECTMEN'S BUSINESS**

- 7. FY07 REAPPOINTMENT LIST** – Enclosed please find materials in the subject regard, for Board consideration.
- 8. BOARD OF SELECTMEN COMMITTEE ASSIGNMENTS AND GOALS DISCUSSION** – Enclosed please find materials in the subject regard, for Board consideration.

9. **FY06 YEAR-END BUDGET REPORT** – Enclosed please find materials in the subject regard, for Board consideration.
10. **AUTHORIZATION TO PROCEED, SEWER EXTENSION PROJECT, POWDERMILL PLAZA** – Enclosed please find materials in the subject regard, for Board consideration.
11. **TRAFFIC SAFETY CONCERNS, SCHOOL STREET/CHADWICK STREET** – Enclosed please find materials in the subject regard, for Board consideration.
12. **FEE WAIVER REQUEST, SENIOR RESIDENCE SPECIAL PERMIT, WOODLANDS AT LAUREL HILL** – Enclosed please find materials in the subject regard, for Board consideration.
13. **LOCAL INITIATIVE PROJECT (LIP) REGULATORY AGREEMENT, MONITORING AGREEMENT AND APPLICATION FOR APPROVAL OF UNITS, ELLSWORTH VILLAGE** – Enclosed please find materials in the subject regard, for Board consideration.
14. **SENIOR WORK PROGRAM** – Enclosed please find materials in the subject regard, for Board consideration.
15. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

16. **ACCEPT MINUTES** – Enclosed please find Board of Selectmen's Minutes for June 12, 2006, for Board consideration
17. **2006 RECERTIFICATION, "NO PLACE FOR HATE" COMMUNITY, ANTI-DEFAMATION LEAGUE** – Enclosed please find materials in the subject regard, for Board consideration.
18. **CONFIDENTIAL REQUEST FOR FEE ASSISTANCE, NARA PARK SUMMER PROGRAM** – Enclosed please find materials in the subject regard, for Board consideration.
19. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from Jennifer White, for a One Day Liquor License at NARA Park, for Board consideration.
20. **ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY** – Enclosed please find a gift of a Library Membership to Fruitlands Museum (valued at \$85.00) from the Citizens' Library Auxiliary, to be used by the Citizens' Library, for Board consideration.
21. **ACCEPT GIFT, ACTON GARDEN CLUB** – Enclosed please find a gift in the amount of \$300.00 from the Acton Garden Club, to be used for tree planting at NARA Park, for Board consideration.
22. **ACCEPT GIFT, MATTHEW AND SUSAN MURPHY** – Enclosed please find a gift in the amount of \$50.00 from Matthew and Susan Murphy to be used for the Elm Street Lighting Project, for Board consideration

23. **ACCEPT GIFT, DAVID HARRINGTON** – Enclosed please find a gift in the amount of \$125.00 from David Harrington to for tree planting at NARA Park, for Board consideration

## **VII TOWN MANAGER'S REPORT**

## **VIII EXECUTIVE SESSION**

**THERE WILL BE A NEED FOR EXECUTIVE SESSION**

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

### **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

July 24	Oct. 16 & 30
August 14	Nov. 13 & 27
Sept. 11 & 25	

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS carried forward**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)

3/12/07  
28

## MINUTES

### BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING

July 24, 2006

Francis Faulkner Hearing Room  
Acton Town Hall

7:00 PM

#### EXECUTIVE SESSION

There will be a need for executive session.

#### CITIZENS' CONCERNS

Bob Lessard, of Wampus Ave. spoke regarding dog complaints. Chairman Foster asked to hold discussion until the dog complaint item was on the timed on agenda.

#### SEWER COMMISSIONERS' BUSINESS

#### PUBLIC HEARINGS AND APPOINTMENTS

**OPERATIONAL MINUTE** - Town Manager Don Johnson gave a brief update on the concert series at NARA. The concert series is subject to weather variations and cancellations are possible.

#### **SITE DEVELOPMENT PLAN SPECIAL PERMIT, 01/22/98-361 (AMENDMENT), 25 WESTFORD LANE, FENTON**

Presentation by George Dimakarakos, on this project located on Durkee Lane between Nagog Park and Westford Lane, the request is to build two additional buildings. Selectman Magee went to review the site and noted the project should not continue until all drainage problem areas have been addressed. The existing drainage problem has been worked on all weekend, and is 80% completed. The water district should be able to give notation on the drainage. Non-approved items have been constructed that did not appear on the stamped plan of existing conditions. Although minor, it is still not in compliance with the intent of the stamped approval. George stated his apologies and assured the Board there was no intent to deceive. Selectman Hunter emphasized the real need to reflect the actual conditions and was distressed at the oversight. Selectman Rosenzweig was concerned with the Fire Department comments about the fire alarms. She made note of how pleased she was with the business staying and expanding in town. Chairman Foster was concerned about sufficient parking. George noted that materials found on the parking area have been removed. Once cleaned up, the parking concerns will be resolved. Chairman Foster questioned the lack of windows on the first floor. This is for issues of security George assured him. The existing building is not required to meet the current standard for outdoor lighting, change needed only if 25% or more of the building is altered.

**Selectman Hunter moved to take under advisement. Selectman Rosenzweig seconded. All approved to take under advisement.**

### **MADISON PLACE LOCAL INITIATIVE PLAN (LIP)**

Dennis Ring updated the board on the status of the historical building on the property. Denied initial demolition, the developer looked for an alternative site to move the building. After a 6 month delay they decided to revise the plans. They are looking for the Board's endorsement to incorporate the historic structure into the development plan by creating an ANR lot. Selectman Rosenzweig personally thanked the applicant for taking time to save the building. Selectman Magee was very pleased with the successful work in this project. He thanked the developer for the historic preservation and the plan as it relates to wetlands. Selectman Hunter spoke to the exceptional way engineering was handled by the applicant. He liked the way the septic plan and traffic plan had worked out. Chairman Foster asked about the septic system for the old house and was shown the area in question on the site map. Dennis pointed out that the soil has been tested in the proposed area and it will pass Title 5 inspection. Chairman Foster thanked the developer for working with the town.

**Selectman Hunter moved to accept revised plan. Selectman Magee moved to second. All approved.**

### **DESIGN REVIEW GUIDELINES COMMITTEE PRESENTATION**

Anne Sussman and Tom Peterman gave a presentation on guidelines for Commercial districts. There were 4 points that the Design Review Guideline Committee (DRGC), would like to see accomplished. 1) Approve the Advisory Committee to the Board of Selectmen, 2) Accept the draft guidelines, 3) Publicize the document and 4) Hold a town wide forum about the future of Acton commercial development. Selectman Rosenzweig noted that the current guidelines are general and the purpose of the forum would be to make them much more specific. A citizen, Terra Friedrichs, stated how this conformity helps in working with the building department. It is not that the DRGC says there is only one way but rather offers some choices. Selectman Hunter expressed support for the formation of a guidelines committee. He noted parking in the rear of buildings would enhance the look of Acton. Additionally, there is a need for nice walking space in commercial developments. Selectman Magee supported the idea. The challenge he stated is finding a way to be sure developers know up front the conditions of guidelines. He cautioned about early intervention at a time when plans are held tight in confidentiality. Developers and users are sometimes driven by other concerns about parking that should not be ignored. Selectman Rosenzweig agreed that parking is about user preference and not just that the developers like to see road front parking. Chairman Foster would like to see input from the town and developers on the web. He also offered the idea to go out to each committee to present the guidelines. He would like to keep the Planning Board and the Historical Commission involved in the formation of the guidelines. Carol Holley, a citizen, stated that when the design looks friendly if the speed limit is not reduced, it won't be used. She would like to see environmental friendly landscaping. Belle Choate spoke to the point that the guidelines have a "this is my parents Acton" feel, but does everyone like that idea. While they are lovely plans can they really be built? There are so many by-laws none of this could really be built. Sometimes close to street is not what you want. As in some historical buildings close to street means you ruin the streetscape. What about handicap accessibility? A citizen spoke that she was very concerned about how Acton looks. Appointment of a Committee following the enclosed proposal Selectman Hunter believes would eventually meld into a joint committee with other planning committees. Selectman Magee questioned the number of members on the committee, will 5 members be too small, will 7 members be too large? Selectman Hunter moved to accept the proposal and come back at next meeting and wrap up details. Herman Kabakoff thought this should go to Town Meeting. He also questioned the enforcement procedure. Are there any full time employees that can be used now? Selectman Rosenzweig

said this would fall under Selectman purview to begin and enforce. In some districts there is legal ramification but this is more a cooperative/advisory set of guidelines. Terra Friedrichs wanted to see the feasibility of having staff that could support a new committee. Chairman Foster stated that he will look to the Town Manager for advice on this question but staff is overburdened. **Selectman Hunter moved to accept the concept and move forward with comments from all the groups listed above. Selectman Magee seconded. The Board was in favor of the committee getting staff input and doing a road show for the other committees to comment on and report back details at a future meeting.**

## **SELECTMEN'S BUSINESS**

### **SITE DEVELOPMENT PLAN, 02/19/03-388 (AMENDMENT), 60 POWDERMILL ROAD, AUTOPLEX REALTY SUZUKI DEALERSHIP**

It was noticed that the status of the previous action needed to be reviewed. Selectman Magee helped explain the current plan. Conservation had denied the applicant's original request under the Riverfront Act. The applicant appealed the decision and the DEP upheld the decision. The applicant then dropped the appeal and offered another plan. Conservation was in agreement with the new plan and the DEP issued an Order of Conditions. While the conditions do not state the fence cannot be located at the edge of the restricted area, Selectman Magee would like to see a buffer area of 2 feet. Selectman Magee continued that the DEP also has to sign off before the town can approve the plans. Chairman Foster does not want to approve something that other jurisdictions may have a problem with. The Director of Conservation will be asked to confirm the DEP's position on this project. Selectman Magee stated the DEP has Order of Conditions and possibly there is not a requirement for a buffer zone but his preference and historical recollection is that such a zone should exist. Selectman Hunter asked that no action take place until we have more information. Chairman Foster agreed that no action take place until there is more information. The Board will delay action until the staff submits comments and the developer can be present. Selectman Hunter would like to get the developer in to discuss the plans.

### **COMPREHENSIVE PERMIT PRE-APPROVAL, WILLOW/CENTRAL STREET, ACTON COMMUNITY HOUSING CORPORATION**

**Selectman Hunter moved to authorize the Town Manager to sign-off and co-sponsor the proposal. All signed copies of the completed application to be distributed to the Board. Selectman Rosenzweig seconded. All agreed.**

### **DRAFT REQUEST FOR PROPOSALS, 74 RIVER STREET**

Selectman Magee approved the draft. He would like to take the Request for Proposal (RFP) to the neighbors. Selectman Hunter questioned prohibition of the developer in lieu of an existing condition in another permit and provided Selectman Magee with better language. Chairman Foster would like to approve this project and move it forward and get it on the street immediately. Selectman Magee is in agreement and would like the neighbors to be notified for comment. Selectman Rosenzweig questioned if there will be a hearing. The Town Manager stated that an RFP will go out and potential vendors will be interviewed.

**Chairman Foster moved to approve with Selectman Hunter's amendment, Selectman Hunter seconds if amendment is approved by Town Counsel. All were in favor. Staff will issue RFP out to bid as soon as possible.**

## **CAPITAL PLANNING SUBCOMMITTEE REPORT**

The Chairman briefed the Board as to the draft capital plan. Staff should identify for this year and 4 additional years of capital planning which need to be funded. This plan should be readied for The State of the Town Meeting this fall. Building a fire station, GIS Systems, Sewers are examples of capital items in the year to year budget. Town Manager has directed staff to make budgets with an eye to a 5 year plan. Selectman Hunter wants to complete the existing Capital Plan from the 90's before we construct a new one. He also stated a need for a new ambulance, new fire station and renovation of the other 2 stations. What are our borrowing practices? Selectman Rosenzweig felt that long range plans for the school building definitely helped in the funding for the schools. Some monies should be included for wastewater planning and A Master Plan. Chairman Foster wants a discussion at the Board's next meeting and the prior capital plan to look at. The new plan should not be constrained by funding at this point. Selectman Hunter would like to see a human resources capital plan with a fair wage for the non union employees. The Board expressed conceptual support.

### **ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES**

Chairman Foster briefed the Board as to the request from the Town Recreation Commission per the cover memo. Selectman Hunter questioned if this topic should be brought to Town Meeting as it becomes a very emotional issue. He suggests it should also be reviewed by Town Counsel. Selectman Rosenzweig had opinioned that safety should always be paramount and verbal commands are not sufficient when talking about control. Chairman Foster stated that the request applies to recreation areas not all conservation locations. The Commission could consider a dog park or dog hours as a compromise. Mr. Lessard, a citizen was present to discuss the issue of dogs running loose and presented studies about dogs and children. Selectman Magee believes the town staff and committees need a dialog with the citizenship of the town. Chairman Foster would like to hear what Town Counsel has to say. Carol Holly, a citizen asked if people who walk dogs for money should be using conservation land as it is not legal to run any business on conservation land. All agreed to take request under advisement. The request will be considered after further public discussion.

### **SEWER EXPANSION PROCESS DISCUSSION**

Chairman Foster offered a general description of letters from citizens and the Board of Health about Sewer Expansion. Sylvia Street has wanted additional feedback to its proposal. Staff has given input that there are several areas that have equal or worse need for sewer expansion. The process has to be consistent and be based on need. Sylvia Street is not a health or pollution issue, it is an expansion issue. All agreed that the process should not be arbitrary. Selectman Hunter asked if the original area West Acton-Flint Street is still in the MEPA process. Even with other options you need to go through the MEPA process. The project needs another series of reviews if the flow is greater than 300,000 gallons per day. Chairman Foster will not make any decision until we hear from MEBA. The comment period is over on August 15th and then the State has 10 days to issue a certificate. Selectman Rosenzweig hoped to have a new committee in place at that point in time with membership in the committee coming from all the various Town Departments. Mary Michelman said CWRMP does list other ways of dealing with wastewater. Please be stingy with permission to sewer.

**Selectman Rosenzweig made a motion that there be placed a moratorium on requesting sewer expansion until such a time that the decision is made on the CWAMP by MEPA and the committee has a systematic process to go forward. Chairman Foster seconds and the motion passes. Selectman Magee suggested putting these items under Sewer Commissioner's Business in the future.**

### **PATRIOTS HILL RECREATION CLUB, INC., SPECIAL EVENT APPROVAL REQUEST**

Selectman Hunter suggests to routinely approve this request. Selectman Magee seconded the motion. It was approved by all unless there are unintended consequences.

## **FY07 REAPPOINTMENT LIST**

Chairman Foster moved to approve the reappointment list. Selectman Magee had some exceptions for sunsetted members. Selectman Hunter explained the intent of the sunset policy and why it originated. Chairman Foster moved that Selectman Magee go through the committees that he is the liaison for on the appointment list and make any necessary changes to his committees. Selectman Magee had 2 exceptions, Terry Maitland's membership to be extended on the Conservation Commission and all Land Stewardship members that would be sunsetted to be extended with a term of 3 years. Then Chairman Foster went through the list and requested to extend the membership of Victoria Beyer on the Historic Commission. He also requested the extension of sunset members Nancy Gerhardt and Carol Mahoney of the Senior Disabled Taxation Aid Committee. Bruce Reichlen an associate on the Planning Board moved to a full member to fill the vacancy of Gary Sullivan's term. Chairman Foster moved to reappoint or sunset all members on the list with the changes noted above. The Town Manager discussed examples of the sunset policy and why the policy may be problematic and not fill the needs of the town's current committees.

**The Committee Reappointment list was approved as amended. All voted in favor.**

## **FY07 GOALS / COMMITTEE ASSIGNMENTS OVERSIGHT**

The committee goal and assignments were approved with the exception of changes made by Selectman Rosenzweig to take the Comprehensive Wastewater Advisory Committee off the Committee list and a change by Chairman Foster to take NARA off the goals for FY07. Selectman Rosenzweig also asked to put municipal salaries review as a FY07 goal to be achieved.

## **OTHER BUSINESS**

Selectman Rosenzweig requested an oversight meeting for the Economic Development Committee to see if they would go forward with new goals or disband into another group possibly helping in an advisory role in planning.

## **CONSENT AGENDA**

Herman Kabakoff asked to hold 19 and 21. Chairman Foster held those items and the vote was taken on the rest of the consent items. Herman questions if the car 33 in #19 and #21 are the same. Car 33 just references the ambulance.

**Selectman Hunter moved all other consent items to be accepted. Selectman Foster seconded. The vote was accepted by all. Selectman Foster moved to approve #19 and #21. Selectman Hunter seconded. Both were approved by all.**

### **15. SITE DEVELOPMENT PLAN #10/07/77-139, 51 KNOX TRAIL, COLLIER MOVING AND STORAGE**

Approval was given to applicant to amend the existing site plan special permit to construct a 2,200 square foot addition to the existing building. There will be a need to remove 2,300 square feet of impervious cover to accommodate this change.

### **16. LOCAL APPROVAL FOR LOCAL INITIATIVE PLAN (LIP) UNITS, ROBBIN'S BROOK SENIOR LIVING COMMUNITY, 906 MAIN STREET**

Approval was given for 3 affordable housing units in Phase II of Robbins Brook restricted housing to be counted towards the town's 10% goal.

### **17. ACCEPT GIFT, COUNCIL ON AGING**

The Board accepted two gift cards (\$25 each) from Donelan's Supermarket for a senior survey program.

**18. ACCEPT GIFT, COUNCIL ON AGING**

The Board accepted two gift cards (\$25 each) from Roche Brothers Supermarket for a senior survey program.

**19. ACCEPT GIFT, FIRE DEPARTMENT**

The Board accepted a gift of a Magellan GPS Navigation System, donated by the Robert M. Malinowski Charitable Fund, to be used in the Town's ambulance, valued at approximately \$1,000.

**20. ACCEPT SURPLUS EQUIPMENT, POLICE DEPARTMENT**

The Board agreed to allow the Police Department to accept a Mobile Hearing Clinic from surplus equipment for use as a command post.

**21. TRANSFER OF FIRE DEPARTMENT AMBULANCE TO POLICE DEPARTMENT**

The Board approved the Police Department's Request to acquire the Fire Department's ambulance that is being replaced, to be used to transport equipment to a scene, replacing the box van obtained through surplus equipment.

**22. ONE DAY LIQUOR LICENSE**

Ciena Corporation's for a One Day Liquor License at NARA Park was approved.

**TOWN MANAGER'S REPORT**

**EXECUTIVE SESSION**

There will be a need for Executive Session. Selectman Rosenzweig moved to go into Executive Session to discuss future executive session meetings. Roll was taken, all Ayes. The Board adjourned into regular session only to adjourn the meeting.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

August 14  
September 11 & 25  
October 16 & 30

November 13 & 27  
December 11 & 18

## GOALS: 2006-2007

1. Produce Morrison Farm Development Master Plan (Walter)
2. Policy Review/Improve Communication with Town Boards (All), Improving Inter-Board Communication. (Walter)
3. ALG process be used for purpose of Budget Planning for FY08 (Walter/Andy)
4. Middlesex Pension Alternatives (Peter)
5. Capital Plan for Town Meeting-Reengineering Report (Peter/Mullin)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

# Acton Board of Selectmen Committee Assignments

July 2006 - July 2007

Advisory Committee	Board Member Assigned
Acton Leadership Group	Walter Foster and Andy Magee
ARC of Innovation - I495	Lauren Rosenzweig
Corridor Advisory Committee	Dore' Hunter
Design Review Guideline Committee	Lauren Rosenzweig and Peter Ashton
Economic Development Committee	Peter Ashton
Economic Development Industrial Committee	Peter Ashton
Investment Advisory Committee	Peter Ashton
Land Stewardship Committee	Andy Magee
MAGIC/MAPC	Lauren Rosenzweig
MBTA Advisory Committee	Dore' Hunter
Morrison Farm Planning Task Force	Walter Foster
No Place for Hate	Andy Magee and Lauren Rosenzweig
Open Space and Recreation Committee	Andy Magee
Outdoor Lighting Education Committee	Lauren Rosenzweig
Senior Tax Relief Taxation Aid Committee	Peter Ashton
Shuttle Advisory Committee	Lauren Rosenzweig
Water Resources Advisory Committee	Lauren Rosenzweig and Andy Magee

## Board and Committee Liaison

Board/Commission/Committee	Board Member Assigned
Acton Boxborough Arts Council	Walter Foster
Acton Community Housing Corporation	Lauren Rosenzweig
Board of Appeals	Peter Ashton
Board of Assessors	Peter Ashton
Board of Health	Walter Foster
Cable Advisory Committee	Lauren Rosenzweig
Cemetery Commission	Walter Foster
Community Preservation Committee	Walter Foster
Conservation Commission	Andy Magee
Council on Aging	Peter Ashton
Finance Committee	Andy Magee and Walter Foster
Health Insurance Trust	Peter Ashton
Historic Commission	Dore' Hunter
Historic District Commission	Dore' Hunter
Lowell Regional Transit Authority	Dore' Hunter
Minute Man Tech	Dore' Hunter
Planning Board	Lauren Rosenzweig
Recreation Committee	Walter Foster
School Committee	Peter Ashton
Transportation Advisory Committee	Lauren Rosenzweig
Volunteer Coordinating Committee	Dore' Hunter

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Room, Acton Town Hall*  
*July 24, 2006*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

**III. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will give the Board a brief update on various topics.

**2. 7:15 SITE DEVELOPMENT PLAN SPECIAL PERMIT, 01/22/98-361 (AMENDMENT), 25 WESTFORD LANE, FENTON**

Enclosed please find materials in the subject regard, for Board consideration.

**3. 7:30 MADISON PLACE LOCAL INITIATIVE PLAN (LIP)**

Enclosed please find materials in the subject regard, for Board consideration.

**4. 7:45 DESIGN REVIEW GUIDELINES COMMITTEE PRESENTATION**

Enclosed please find materials in the subject regard, for Board consideration.

**IV. SELECTMEN'S BUSINESS**

**5. SITE DEVELOPMENT PLAN, 02/19/03-388 (AMENDMENT), 60 POWDERMILL ROAD, AUTOPLEX REALTY**

Enclosed please find materials in the subject regard, for Board consideration.

**6. COMPREHENSIVE PERMIT PRE-APPROVAL, WILLOW/CENTRAL STREET, ACTON COMMUNITY HOUSING CORPORATION**

Enclosed please find materials in the subject regard, for Board consideration.

**7. DRAFT REQUEST FOR PROPOSALS, 74 RIVER STREET**

Enclosed please find materials in the subject regard, for Board consideration.

**8. CAPITAL PLANNING SUBCOMMITTEE REPORT**

Enclosed please find materials in the subject regard, for Board consideration.

**9. ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES**

Enclosed please find materials in the subject regard, for Board consideration.

**10. SEWER EXPANSION PROCESS DISCUSSION**

Enclosed please find materials in the subject regard, for Board consideration.

**11. PATRIOTS HILL RECREATION CLUB, INC., SPECIAL EVENT APPROVAL REQUEST**

Enclosed please find materials in the subject regard, for Board consideration.

**12. FY07 REAPPOINTMENT LIST**

Enclosed please find materials in the subject regard, for Board consideration.

**13. FY07 GOALS / COMMITTEE ASSIGNMENTS**

Enclosed please find materials in the subject regard, for Board consideration.

**14. OTHER BUSINESS**

**V. CONSENT AGENDA**

**15. SITE DEVELOPMENT PLAN #10/07/77-139, 51 KNOX TRAIL, COLLIER MOVING AND STORAGE**

Enclosed please find materials in the subject regard, for Board consideration.

**16. LOCAL APPROVAL FOR LOCAL INITIATIVE PLAN (LIP) UNITS, ROBBIN'S BROOK SENIOR LIVING COMMUNITY, 906 MAIN STREET**

Enclosed please find materials in the subject regard, for Board consideration.

**17. ACCEPT GIFT, COUNCIL ON AGING**

Enclosed please find two gift cards (\$25 each) from Donelan's Supermarket for a senior survey program, for Board consideration.

**18. ACCEPT GIFT, COUNCIL ON AGING**

Enclosed please find two gift cards (\$25 each) from Roche Brothers Supermarket for a senior survey program, for Board consideration.

**19. ACCEPT GIFT, FIRE DEPARTMENT**

Enclosed please find a gift of a Magellan GPS Navigation System, donated by the Robert M. Malinowski Charitable Fund, to be used in the Town's ambulance, valued at approximately \$1,000.

**20. ACCEPT SURPLUS EQUIPMENT, POLICE DEPARTMENT**

Enclosed please find materials in the subject regard, for Board consideration.

**21. TRANSFER OF FIRE DEPARTMENT AMBULANCE TO POLICE DEPARTMENT**

Enclosed please find materials in the subject regard, for Board consideration.

**22. ONE DAY LIQUOR LICENSE**

Enclosed please find a request from Ciena Corporation for a One Day Liquor License at NARA Park, for Board consideration.

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

There will be a need for Executive Session.

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

August 14

September 11

September 25

October 16

October 30

November 13

November 27

December 11

December 18

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS CARRIED FORWARD**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)

# Minutes

## Board of Selectmen & Sewer Commissioners' Minutes August 14, 2006

Francis Faulkner Room  
Acton Town Hall

7:00 PM

**Present:** Chairman Foster, Andy Magee, Dore'Hunter, Peter Ashton, Lauren Rosenzweig, and the Town Manager. The meeting was televised.

### EXECUTIVE SESSION

There will be a need for Executive Session.

### CITIZENS' CONCERNS

None

### SEWER COMMISSIONERS' BUSINESS

NONE

### PUBLIC HEARINGS AND APPOINTMENTS

### OPERATIONAL MINUTE

The Town Manager gave an update on our 1st use of the CTY reverse 911 phone system. It sent calls to 17,500 residents reaching 10,000 in half an hour. The remainders of the calls were either busy signals which were redialed or old numbers. The research is currently being conducted to clean up the system. Overall it was successful and well received by the community. Many citizens called in to thank the town for the thoughtfulness of being aware of the needs of our seniors and children.

### FILL VACANCY, WEST ACTON CITIZENS' LIBRARY TRUSTEE

Nancy Lenicheck gave a short presentation of the roll of the Library Trustees. The Trustees over see, maintain, advocate and plan for the future of West Acton Citizen's Library. The nominee for Library Trustee should: 1. Show an interest in the Library. 2. Have an interest in the community. 3. Possess good business sense. 4. Use advocacy skills. Selectman Hunter moved to approve Gerald F. Browne to the West Acton Citizen's Library Trustees for a term of 2 years to fill the vacancy left by Robert Loomis ending at the end of Town Meeting 2008. Selectman Ashton seconded. The Town Manager stated a roll call vote was needed.

**Selectman Rosenzweig called for a roll call vote and the vote was unanimous.**

### Site Development Plan, 06/09/06-407, 55 Great Road, McDonald's USA, LLC (Hunter)

George Dimakarakos of Stamski and McNary Inc. gave a Presentation about the site and plans to build a McDonald's at the old Burger King site. The relocation of the building has allowed for handicapped spaces and sidewalk entry. Selectman Hunter would like to see the site plan approved and moved forward. The applicant has worked with the town staff to improve conditions at this location. Selectmen Hunter questions the reasoning of not hooking up with the fire department alarm system and/or incorporating a sprinkler system into the building.

Although it is not required by the town by-laws the Fire Chief did request that consideration be given to the recommendation as the previous building at that location burned down. George stated he could speak with McDonald's, but code is what will prevail. Selectman Rosenzweig very much likes that the designer worked with the East Acton Village Plan. The pedestrian plaza is village friendly. The slope of the driveway cannot be changed, it is dependent on the septic, which is Title V approved. This is a 69 seat restaurant down from 86. A citizen asked about the town using the space for artistic or performance options. He was told this is a private commercial space. Daniel Wagner, a neighbor, spoke to how Burger King was sued by the town and steps should be taken now to be good neighbors. Lighting, hours of operation, deliveries, parking and water drainage are all issues for a village neighbor. Zoning is for retail and families to live and work side by side successfully. George described how many by-laws have changed in the town since Burger King has used the space making this business space more neighborhood friendly. The requested hours of operations are 5am – midnight (Monday - Friday) and 5am – 1am on the week-ends. Another citizen asked to regulate delivery times. The McDonald's spokesperson stated that there will be less use of the restaurant for school use and training.

**Selectman Hunter moved to take the site plan under advisement, Peter Ashton seconded the move. Chairman Foster was unable to vote, as he arrived late at the hearing, the remainder of the board approved.**

#### **CABLE TELEVISION LICENSE APPLICATION, VERIZON NEW ENGLAND, INC**

Chairman Foster read the Public Hearing notice. Bill Solomon was present to represent the town. Cable Advisory Committee (CAC) was represented by Frits Reip and John Covert. Present also were, Telecommunications Insight representative, Jim McGrail, Peter Bowman, Vice President of external affairs at Verizon of New England, Tom Antonucci attorney for Verizon from Wylie Rein Feilding). All have been working to reach an agreement to find an alternative provider. RCA was somewhat interested but due to financial restraints was not able to bid. The level playing field clause says that they can come back at any time and join in future negotiations. The build out and capital expansion time estimate is 5years. Chairman Foster feels that is too long. The state statute allows 6 years. About 70% can be up and running initially in a few days. That would present problems as complete access to all citizens is what is being looked at for fair competition. Verizon is still saying it cannot meet the terms on discounts offered for senior citizens with Comcast. The Chairman wants it understood that Verizon must offer service to municipal/school/government stations. Bill Solomon explained Verizon will give 5% of revenue but will not be here doing filming. Currently Verizon has 13 licenses in the state. Selectman Ashton stated that the level playing field is important, but the selectmen are most serious about getting the senior discount. Secondly, that the Town get service with in a reasonable amount of time. Selectman Hunter thinks that cable connection for the vulnerable elderly at a discounted rate is extremely important. Perhaps bringing competition to Acton is good but ultimately it may cost the town more. Selectman Rosenzweig said customer service is extremely important to citizens. What additional services will be brought to the community? Peter Bowman stated that the fiber based for voice, data and video rarely needs service, Chairman Foster complimented the CAC. The town is proud of the existing license and wants the same level of service from the competition. Chairman Foster will monitor the complaints such as overselling of services and any hidden fees in rental or leasing equipment (such as when CAC helped get box fees returned and credited to your account) and the level of service. The Board will monitor and evaluate the reports. John Covert who worked on the Comcast license, will want to help with the infrastructure of the implementation. The time frame to expand to new developments seems to be lengthy, the Assistant Town Manager wants all of Acton to be offered service by Verizon. He would like to see language about area of coverage in the contract. Many parts of the town are without DSL. Build out becomes very important. Verizon has asked for a

list of where there is no DSL service and then they can provide an accurate answer. **The board moved to continue the hearing on Sept 11th at 8:00. All agreed**

## **SELECTMEN'S BUSINESS**

### **Primary Election Warrant, September 19, 2006**

Two different polling locations for the September 19, 2006 Primary Election were under consideration. One Warrant maintains the current Polling Locations and the other would move all Precincts into the Blanchard Auditorium. Selectman Rosenzweig wanted to be sure the Clerk's office would have adequate notice of 2 weeks. Selectman Hunter did not want to see the options bounce back and forth from one election to the next. Selectman Magee would like assurance that the Fire Department and the Schools can handle the parking with sufficient Police coverage. The Board wanted to maintain enough access for the elderly and handicapped.

**The Board voted not to consolidate the polling places at the Blanchard Auditorium subject to the town and schools reaching an agreement on traffic flow and parking availability. The vote, 4 to 1**

### **5-YEAR CAPITAL BUDGET, PRELIMINARY DISCUSSION OF POTENTIAL ITEMS**

Chairman Foster has asked for a 5 year needs assessment plan. Each department has contributed to the plan with a list of capital improvements. Chairman Foster and the Town Manager will take the recommendations and come back with a clean prioritized list. The Board agreed that there are many issues that are important and have been put off for too long. Staffing becomes very important. When internal and external improvements are made the staffing has to be updated as well. Selectman Ashton tried to match the new list to the old list and wondered why some items aren't on the new list, example (Improvements to 2A and 27). Issues of consistency in dealing with personnel, should it be on or off of the capital list. Chairman Foster would like to see a column for bonded items. Should operating budget also be a factor? Selectman Ashton and Selectman Hunter would like to see the project from 1996 (N Acton Fire Station) become # 1. Chairman Foster would like to streamline the data into a useable format. Selectman Rosenzweig would like to stress infrastructure, things such as the implementation of the CWRP in the budget. Selectman Hunter stated the list is affected greatly by the accuracy of the numbers. Allen Nitschelm, representative from Fincom, warned do not spend as debt period declines.

### **Animal Control on Selected Municipal Properties, Initial Feed-Back**

Chairman Foster discussed various sentiments of citizens through emails being sent. Selectman Magee stated with so much polarization on the item it will need a compromise. Selectman Hunter agreed and added small children need to be the priority. Selectman Ashton would not like to restrict public land. He finds the timed idea restrictive. The Town needs to follow the Bylaws. Selectman Rosenzweig would like to hear ideas from the Dog Officer and the Chair of Recreation as to ways to manage animal control. She would also like to see if town counsel has additional advice. Chairman Foster spoke to the areas where shared space with animals is definitely not working. Belle Choate urged more public outreach as she has heard a lot of controversy. People with allergies to pets are left out of municipal areas if shared areas allowed.

**The Board will continue to monitor citizen's input.**

## **ANIMAL CONTROL ISSUE, REQUEST FOR HEARING**

The Town Manager said the dog officer will not attend but there will be a hearing. Selectman Magee discussed what makes this dog incident require a hearing as opposed to other dog problems. It is required because it is the 3rd offense and the town knows who the owner is. Selectman Rosenzweig read dog law and made motion to schedule a hearing on this dog seconded by Selectman Ashton. All agreed and the motion is passed.

## **TRANSFER STATION FEES**

Recommendations from the DPW Director for Transfer Station Fees increases were presented to become effective October 1, 2006. Peter Ashton moved that a sticker rate increase of \$5.00, with no increase to the Senior Citizen Sticker. All other fees are to remain the same as last year. The Board voted in favor.

FIRST STICKER FEE	\$181.00
SECOND STICKER FEE	\$ 25.00
SENIOR CITIZEN STICKER	\$ 50.00
REPLACEMENT STICKER	\$ 7.00
RECYCLING ONLY STICKER	\$ 70.00
INDIVIDUAL TRIP FEE	\$ 30.00/TRIP
SMALL ITEM	\$ 5.00
LARGE ITEM	\$ 15.00
FREON ITEM	\$ 25.00
FURNACE/INDUSTRIAL AC	\$ 40.00
Piano/Organ	\$ 75.00

## **OTHER BUSINESS**

Selectman Ashton would like an update on the budgeted six new positions.

Selectman Magee would like the fire overtime issue discussed. He would like to look at a full year of data to make an analysis. Allen Nitschelm asked to please add sick time for a comparison. Selectman Hunter asked to do a comparison with other town departments.

Selectman Magee the Bruce Freeman Rail Trail (BFRT) is moved back a year but did not lose any funding yet.

Selectman Rosenzweig needs a member of Water Resources Advisory Committee (WRAC) to come in for an interview or she can interview them. The board affirmed that she can interview. Selectman Magee stated there was a meeting Sept 20th for which a member would be needed for. Selectman Rosenzweig gave a brief notice of the content of MAGIC's last meeting in Acton. Summer water use was the topic. Selectman Rosenzweig's Design Guidelines Committee will start to meet with staff and boards.

Selectman Hunter stated that the project of the Route 2 Corridor Advisory Committee does not look like it will be happening any time soon.

Chairman Foster noted the trouble of staffing and completing town projects that are funded. He would like to address the backlog of projects. (Example, Main Street Corridor.) But with a skeleton staff we can't keep the projects going forward. Selectman Hunter agrees and feels strongly that staffing should be pushed. Selectman Rosenzweig says to support getting projects pushed forward. Selectman Magee agrees and would like to see projects pushed forward.

## CONSENT AGENDA

None

## TOWN MANAGER'S REPORT

None

## Executive Session

Selectman Rosenzweig called for a roll call vote to end the regular meeting for discussion of Collective bargaining and litigation in executive session. The board will return to the regular meeting for the purpose of adjourning. The roll call vote was taken and all agreed.

## ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## FUTURE AGENDAS

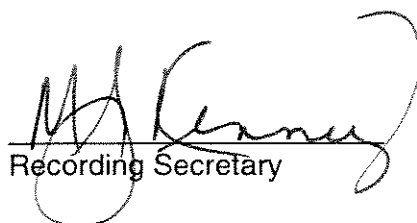
To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

September 11 & 25  
October 16 & 30

November 13 & 27  
December 11 & 18

## GOALS 2006-2007

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**  
**AUGUST 14, 2006**

*Francis Faulkner Room, Acton Town Hall*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

**III. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:02 **OPERATIONAL MINUTE**  
The Town Manager will give the Board a brief update on various topics.
2. 7:10 **FILL VACANCY, WEST ACTON CITIZENS' LIBRARY TRUSTEE**  
Enclosed please find materials in the subject regard, for Board consideration.
3. 7:30 **SITE DEVELOPMENT PLAN, 06/09/06-407, 55 GREAT ROAD, MCDONALD'S USA, LLC (HUNTER)**  
Enclosed please find materials in the subject regard, for Board consideration.
4. 8:00 **CABLE TELEVISION LICENSE APPLICATION, VERIZON NEW ENGLAND, INC**  
Enclosed please find materials in the subject regard, for Board consideration.

**IV. SELECTMEN'S BUSINESS**

5. **PRIMARY ELECTION WARRANT, SEPTEMBER 19, 2006**  
Enclosed please find two different Warrants for the September 19, 2006 Primary Election, for Board consideration. One Warrant maintains the current Polling Locations and the other would move all Precincts into the Blanchard Auditorium.
6. **5-YEAR CAPITAL BUDGET, PRELIMINARY DISCUSSION OF POTENTIAL ITEMS**  
Enclosed please find materials in the subject regard, for Board consideration.
7. **ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES, INITIAL FEED-BACK**  
Enclosed please find materials in the subject regard, for Board consideration.
8. **ANIMAL CONTROL ISSUE, REQUEST FOR HEARING**  
Enclosed please find materials from the Dog Officer in the subject regard, for Board consideration.

**9. TRANSFER STATION FEES**

Enclosed please find a recommendation from the DPW Director for Transfer Station Fees, effective October 1, 2006, for Board consideration.

**10. OTHER BUSINESS**

**V. CONSENT AGENDA**

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

**There will be a need for Executive Session.**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

September 11	November 27
September 25	December 11
October 16	December 18
October 30	
November 13	

**GOALS 2006-2007**

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)

3/12/07  
(28)

## Minutes

### Board of Selectmen and Sewer Commissioners' Meeting

June 20, 2005

Frances Faulkner Hearing Room  
Acton Town Hall

7:00 P.M.

#### EXECUTIVE SESSION

There will be need for an Executive Session.

#### CITIZENS' CONCERNS

At 7:05 the Board went into Public Session.

Dana Snyder-Grant requested information and details about reworking the physical set-up of the recycling area. Selectman Ashton commented on the need and replied that the Town is waiting for work of the CDM Engineering Co. Timing is dependent on DEP issuance of a Landfill Cap post closure permit. Selectman Ashton replied that the work is expected to be funded by NESWC Fund Balance and those monies would need Town Meeting appropriation.

#### SEWER COMMISSIONERS' BUSINESS

The Town Finance Director briefed the Board on the highlights of the memo he provided in the Selectmen's weekly Packet. Of the points he highlighted (1) that total flow had decreased from the prior year, (2) inclusion of depreciation expense fund dollars and (3) betterment abatements which are not funded by the proposed rate. Selectman Foster would like to see a 5 year schedule of what may fail. Selectman Foster would like to see an abatement estimate. The Town Finance Director responded that a 1% abatement request would cost about \$170,000 The Assistant Town Manager briefed the Board on the need to fund \$1,300,000 for super-sizing, as well as abatement and replacement capital. The rates will become effective July 1, 2005.

**Selectman Hunter Moves: the rates as indicated in the memo. Selectwoman Rosenzweig: Seconds. Approval by unanimous vote.**

**FY06 OPERATION AND MAINTENANCE RATES** – The Board approved the operational and maintenance rates for FY06 based on the presented information supporting the rate analysis. Selectman Foster wanted estimates on what types of repairs/capital expenses might be expected to incur in the next 5 years. He also wanted the expected abatements for the 5 years.

#### PUBLIC HEARINGS & APPOINTMENTS

**OPERATIONAL MINUTE** – The Town Manager briefed the Board on the Town's paving program.

**GAS LINE INSTALLATION, KEYSpan ENERGY DELIVERY, CARLISLE ROAD AND BLUEBERRY PATH -**

Selectwoman Rosenzweig disclosed that she is a member of the Condo association that includes this location but feels that she can act independently on this matter. The Keyspan representative stated that he was aware of the comments from the Engineering Department and would accept those conditions.

**Selectman Hunter Moves: with the Engineering Department Conditions. Selectman Johnson: Seconds. Approval by unanimous vote.**

**SPECIAL USE PERMIT 04/19/05-402, WHOLE BODY STUDIO, 1000 MAIN STREET -**

Selectman Foster is the assigned member to review the special use permit above for commercial and recreational use of Pamet Systems building at 1000 Main Street. The applicants stated they were aware of departmental comments. The applicants stated that they were a high end service provider with the maximum traffic of 25 users and 10 staff; the need for

a maximum 35 parking places. Uses on the plan for Whole Body Studio:

Floor One: Palates equipment, cardio equipment, make-up counter, office and entrance, nutritional consultant office, employee area, hydro therapy tub, locker rooms, four therapy rooms, lounge and pedicure area, private training rooms and a fitness class room area of no more than 15 people per class. Selectman Johnson stated that there were a large number of specialties with a small amount of staff. Applicant replied that most staff members perform multiple classes. Selectman Hunter - Will Pamet continue to use the building? Applicant stated yes Pamet has 4 employees using the site out of a total of 9 employees.

**Selectman Foster Moves: to take it under advisement and closed the hearing.**

**Selectman Johnson: Seconds. Approve to take under advisement by a unanimous vote.**

**AMMEND TRAFFIC RULES AND ORDERS, VARIOUS LOCATIONS -**

Keefe Rd. has parking problems: The Engineering department recommends for immediate implementation the No Parking area as indicated in the memo provided in the packet.

**Selectman Hunter Moves: acceptance of the Engineering Department Plan of No Parking**

**Selectman Johnson: Seconds. Approval by unanimous vote.**

2nd request for the installation of stop signs: On Eastern Rd @ Main St., Dunham Lane @ High St. and on Notre Dame @ Squirrel Hill Rd and Arlington St. The Town's Public Works Director spoke to the Planning Board about mandatory conditions at Notre Dame and a three way stop. He stated that the intersection did not meet the warrant for a three way stop.

**Selectman Hunter Moves: acceptance of the Engineering Department Plan for installation of single stop signs in the all three locations mentioned above. Selectman Johnson: Seconds. Approval by unanimous vote.**

**Public comment:** Allen Nitschlem states that he believes the Squirrel Hill Rd. is in unsafe condition for a long steep road. And the Forest Hill Association is very concerned with the changes from what was originally proposed as a 50 ft. leveling area and 3 stop intersections, which were later dropped. Fear is that Squirrel Hill Rd. will become a hazard to the neighborhood. The Engineering Department received a number of positive comments in the way they work with the neighborhood. Public Works Director stated speed counters will be placed at the site in the very near future.

#### **ACTON HOUSING AUTHORITY APPOINTMENT, BERNICE BARAN —**

The Board moves that Ms. Baran is to complete the term of Joe Nagle, which became vacant due to Joe's death. The Chairman then recognized Naomi McManus for her retirement and the number of lives that she has helped and the Board thanked Naomi her contribution and provided a retirement gift.

**Selectman Johnson moves: to approve, Selectman Foster: Seconds. Approval by unanimous vote.**

#### **CAPITAL EQUIPMENT EXPENDITURES, ACTON CABLE STUDIO -**

The Town Manager briefed the Board on the Capital Request of the Cable Committee. The intention was for a major infusion of capital for equipment per the terms of the Comcast contract.

**Selectman Hunter moves: approval. Selectman Foster: Seconds. Approval by unanimous vote.**

The Board wanted a date that Comcast will be in for license review.

### **SELECTMEN'S BUSINESS**

#### **SIGN INSTALLATION REQUEST, QUAIL RIDGE COUNTRY CLUB, LLC -**

**Selectwoman Ronsenzweig recused herself. Selectman Foster Moves: approval. Selectman Hunter: Seconds. Approval by unanimous vote.**

#### **AFFORDABLE HOUSING PLAN, PLANNED PRODUCTION PLAN -**

**Selectman Hunter Moves: approval. Selectman Johnson: Seconds. Approval by unanimous vote.**

Selectwoman Rosenzweig praised the Town Planner's efforts. Terra Friedrichs asked for what commitments are being made. She states that there a lack of public involvement in the finalization of the Production Plan from the conceptual Living in Acton report.

Mary Michaelman asked what the moratorium would be. The Board replied that a 40B moratorium against imposition of a 40 B of 2 years may be available after Laurel Hill is completed.

#### **2005-2006 BOARD AND COMMITTEE REAPPOINTMENT LIST -**

The Board voted the reappointment list for a 30 day extension in order to further vet the list provided, which contained some errors. The Board requested that members contact their liaisons on the committees and get their recommendations.

**Dore Moves: approval. Selectman Foster: Seconds. Approval by unanimous vote**

### **OTHER BUSINESS**

The Board moves that transfer station rates for Sept. '05 to August '06 as set forth in the engineering memo provided in the extra info packet be approved.

**Selectman Ashton Moves: approval. Selectman Hunter: Seconds. Approval by Unanimous Vote**

Selectman Hunter briefed the Board on the most recent Rt 2 Corridor Advisory Committee Meeting. Concord rotary project update 6 months to generate the RFP for consultant followed by 6 months of negotiation to begin a review of the preliminary design ideas to 25% design. Crosby Corner design is to be completed for 2007. He is frustrated by lack of progress.

new bike corridor study should be started soon that recognizes bike paths will go among multiple towns. Selectwoman Rosenzweig stated MAPC is also looking into the rail trail plan. Selectman Ashton will issue a letter re: **A State of the Town Meeting** to all Boards and Committees. State of the Town meeting in the Middle of October is a good goal to set.

## **CONSENT AGENDA**

**Selectman Foster Moves: All items approved. Selectman Hunter: Seconds.**  
**Approval by unanimous vote.**

**13. ACCEPT MINUTES** – Minutes of June 6, 2005.

**14. RESTRICTED UNIT SALE, AUDUBON HILL** – Conditions for resale of restricted unit.

**15. BOSTON EDISON PETITION, POLE RELOCATION, FRANKLIN PLACE, 520 MAIN STREET -**

**16. REQUEST FOR USE OF TOWN COMMON, ACTON CONGREGATIONAL CHURCH –**

**17. ONE DAY LIQUOR LICENSE - NARA Park, OLD GOLD RUGBY –**

**18. ONE DAY LIQUOR LICENSE - NARA Park, Town of Acton, 4<sup>th</sup> of July celebration,**  
recreation department event.

**19. ONE DAY LIQUOR LICENSE – NARA Park, 4<sup>th</sup> of July celebration, recreation**  
department event, rain date.

**20. FEE WAIVER REQUEST, GAGLIANO** – For a reduction in a definitive subdivision filing fee.

**21. FEE WAIVER REQUEST, FAMILY BEACH FEE** – Confidential request for a waiver of the Family Beach Fee at NARA Park.

**22. ACCEPT DONATION** – A donation of \$2,188.94 from the Acton Arts League to the West Acton Citizens' Library.

## **TOWN MANAGER'S REPORT**

No report

## **EXECUTIVE SESSION**

A roll call vote was taken for the purpose of adjourning regular session to go into executive session to discuss the Curtis agreement and litigation. All eyes. The Board adjourned into regular session only to adjourn the meeting.

## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

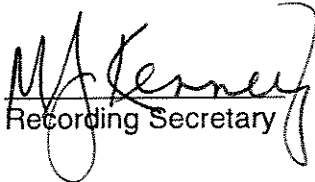
July 18	Dec. 12 & 19
August 8 & 29	Jan. 7 (Budget Saturday), 16 & 30
Sept. 12 & 26	Feb 13 & 27
October 17	March 13 & 27


## GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

## GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Bob)
10. Middlesex Pension Alternatives (Walter)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk  
3/12/07  
Date

June 17, 2005

**TO:** Board of Selectmen, Sewer Commissioners

**FROM:** Peter Ashton, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners' Report

**June 20, 2005**

**6:30 P.M.**

**SPECIAL EXECUTIVE SESSION**

1. **THERE WILL BE A NEED FOR A SPECIAL EXECUTIVE SESSION** – Enclosed please find materials in the subject regard, for Board consideration.

**7:00 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

2. **FY06 OPERATION AND MAINTENANCE RATES** – Enclosed please find materials in the subject regard, for Board consideration.

**III PUBLIC HEARINGS & APPOINTMENTS**

3. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
4. **7:10 GAS LINE INSTALLATION, KEYSpan ENERGY DELIVERY, CARLISLE ROAD AND BLUEBERRY PATH** - Enclosed please find materials in the subject regard, for Board consideration.
5. **7:15 SPECIAL USE PERMIT 04/19/05-402, WHOLE BODY STUDIO, 1000 MAIN STREET** - Enclosed please find materials in the subject regard, for Board consideration.
6. **7:30 AMMEND TRAFFIC RULES AND ORDERS, VARIOUS LOCATIONS** - Enclosed please find materials in the subject regard, for Board consideration.
7. **7:45 ACTON HOUSING AUTHORITY APPOINTMENT, BERNICE BARAN** - Enclosed please find materials in the subject regard, for Board consideration.
8. **8:15 CAPITAL EQUIPMENT EXPENDITURE, ACTON CABLE STUDIO** - Enclosed please find materials in the subject regard, for Board consideration.

#### **IV SELECTMEN'S BUSINESS**

9. **SIGN INSTALLATION REQUEST, QUAIL RIDGE COUNTRY CLUB, LLC** - Enclosed please find materials in the subject regard, for Board consideration.
10. **AFFORDABLE HOUSING PLAN, PLANNED PRODUCTION PLAN** - Enclosed please find materials in the subject regard, for Board consideration.
11. **2005-2006 BOARD AND COMMITTEE REAPPOINTMENT LIST** - Enclosed please find materials in the subject regard, for Board consideration.
12. **OTHER BUSINESS**

#### **V CONSENT AGENDA**

13. **ACCEPT MINUTES** – Enclosed please find Board of Selectmen's June 6, 2005 Minutes for Board approval.
14. **RESTRICTED UNIT SALE, AUDUBON HILL** - Enclosed please find materials in the subject regard, for Board consideration.
15. **BOSTON EDISON PETITION, POLE RELOCATION, FRANKLIN PLACE, 520 MAIN STREET** - Enclosed please find materials in the subject regard, for Board consideration.
16. **REQUEST FOR USE OF TOWN COMMON, ACTON CONGREGATIONAL CHURCH** - Enclosed please find materials in the subject regard, for Board consideration.
17. **ONE DAY LIQUOR LICENSE, NARA PARK, OLD GOLD RUGBY** – Enclosed please find an application for a One-Day Liquor License from Old Gold Rugby for a rugby tournament for Board consideration.
18. **ONE DAY LIQUOR LICENSE, NARA PARK,TOWN OF ACTON**– Enclosed please find an application for a One-Day Liquor License from The Acton Recreation Department for the July 4<sup>th</sup> celebration, for Board consideration.
19. **ONE DAY LIQUOR LICENSE, NARA PARK,TOWN OF ACTON**– Enclosed please find an application for a One-Day Liquor License from The Acton Recreation Department for the July 4<sup>th</sup> celebration (rain date-July 9<sup>th</sup>), for Board consideration.
20. **FEE WAIVER REQUEST, GAGLIANO** – Enclosed please find a request for a reduction in a definitive subdivision filing fee – for Board consideration.
21. **FEE WAIVER REQUEST, FAMILY BEACH FEE** – Enclosed please find a Confidential request for a waiver of the Family Beach Fee at NARA Park, for Board consideration.
22. **ACCEPT DONATION** – Enclosed please find a request from the West Acton Citizens' Library for acceptance of a donation of \$2,188.94 from the Acton Arts League, for Board consideration.

#### **VI TOWN MANAGER'S REPORT**

## **VII EXECUTIVE SESSION**

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

### **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

July 18	Dec. 12 & 19
August 8 & 29	Jan. 7 (Budget Saturday), 16 & 30
Sept. 12 & 26	Feb 13 & 27
October 17	March 13 & 27

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS carried forward**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Bob)
10. Middlesex Pension Alternatives (Walter)

3/12/07  
(28)

**Minutes**  
**Board of Selectmen and Sewer Commissioner's Meeting**  
**July 18, 2005**

Frances Faulkner Hearing Room  
Acton Town Hall

**7:00 P.M.**

**Present:** Chairman Peter Ashton, Selectman F. Dore' Hunter, Selectman Lauren Rosenzweig, Town Manager Don Johnson and Assistant Town Manager John Murray.

**EXECUTIVE SESSION**

There will be a need for an Executive Session.

**CITIZENS' CONCERNS:** Citizen Jeff Bursaw filed a complaint about the existing sign bylaw. Selectman Peter Ashton recommended that counsel look into the wording on the bylaw and note any possible adjustments that might make sense.

**SEWER COMMISSIONERS' BUSINESS**

**SEWER CONNECTION REQUEST, FAULKNER MILL REALTY, LLC, 4 HIGH STREET** –Faulkner Mill requested permission to connect to the Middle Fort Pond Brook Sewer System. **Selectman Hunter moved to approve. Selectman Rosenzweig seconded. Unanimous vote in favor of approving the connection.**

**SUPPLEMENTAL AMENDED ORDER FOR CONSTRUCTION, MIDDLE FORT POND BROOK SEWER SYSTEM** – An oversight from a previous meeting 20 Silver Hill Rd, Whitley MFPBS System.

**Selectman Ashton moved to pass the amended order. Selectman Hunter seconded. Unanimous vote in favor of approving the construction.**

**PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Town Manager Don Johnson waived as time was short.

**VETERANS' MEMORIAL PRESENTATION, PATRICK MURRAY** – Mr. Murray presented a proposal he has developed in conjunction with an Eagle Scout Project. Selectman Ashton volunteered to mentor Patrick and Selectman Hunter also offered his assistance.

**Selectman Hunter moved to accept the Town of Acton being beneficiary to Patrick's Veterans' Memorial. Additionally, Patrick is allowed to organize fund raising events, sell fund raising items at town events and that the Treasurer is authorized to open a gift account to use for this purpose. Selectman Rosenzweig seconded. Unanimous vote in favor of approving Patrick Murray continuing development of his Eagle Scout project.**

**BLANCHARD PLACE LOCAL INITIATIVE PROGRAM (LIP), 139 PROSPECT STREET** – Presentation by Scott Hayes and Steve Marsh, which although well received, still has a few open items. The request was for a waiver from sewer betterments for affordable units. **Selectman Ashton continued the subject matter to Aug. 8, 2005.**

**ACTON COMMUNITY HOUSING CORPORATION (ACHC)** Nancy Tavernier presented the Town's Counsel motion on the Willow Street/Central Street project proposed by the Acton Community Housing Corporation.  
**Selectman Hunter moved to approve the project goes forward as set by town counsel motion. The vote was unanimous.**

### **TOWN OF ACTON – BOARD OF SELECTMEN**

#### **Motion to Authorize Acton Community Housing Corporation to Advance Affordable Housing Development on Certain Town-Owned Property**

WHEREAS the Town of Acton is the owner by tax taking of the real property at 28 Willow Street and 214 Central Street, Acton, Massachusetts (the "Property") by tax title takings in Land Court Case Nos. 112320 T.L. and 112319 T.L. (Judgments dated May 4, 1998).

WHEREAS the Acton Community Housing Corporation ("ACHC") proposes that the Property be developed as an affordable housing project consisting of three units of affordable housing (a duplex farmhouse on the Central Street side of the Property and a one-unit bungalow on the Willow Street side of the Property) (the "Project").

WHEREAS the Board of Selectmen supports ACHC's proposal for the Project.

WHEREAS ACHC is a non-profit housing corporation created by special Home Rule legislation and is subject to the supervision of the Board of Selectmen. See Chapter 143 of the Acts of 1996, § 1.

WHEREAS, under ACHC's Home Rule legislation, ACHC has the power "with the approval of the board of selectmen, to acquire ..., and to own, ... and to ... sell, transfer, convey, ...or to otherwise dispose of, on such terms and conditions as it may deem proper, real ... property ... as may be necessary or appropriate to carry out its purposes." (St. 1996, c. 143, § 2(d)).

WHEREAS the Board of Selectmen intends to place an article on the warrant for the next Town Meeting to authorize the Selectmen to convey the Property to ACHC on certain terms and conditions for purposes of re-conveyance, subject to applicable law, to a developer that will develop affordable housing on the Property.

NOW THEREFORE, the Board of Selectmen moves to authorize the following actions in furtherance of the Project on the Property:

1. ACHC is hereby authorized to apply to the Department of Housing and Community Development ("DHCD") for any necessary approval and site eligibility determination under the Local Initiative Program, 760 CMR 45.00, for the Project.
2. ACHC is hereby authorized to apply to the Acton Board of Appeals for a Comprehensive Permit under M.G.L. c. 40B for the Project.
3. ACHC is hereby authorized to apply to other State and Town boards, commissions, departments, and agencies for any other necessary permits and approvals for the Project, exclusive of any building permits and other construction-related permits needed for the actual construction of the Project (it being understood that the Selectmen and ACHC intend, subject to Town Meeting approval, that the permitted Project and Property will be conveyed pursuant to applicable law and re-use restrictions to a qualified developer who will own the Property, construct the Project, and dispose of the units as appropriate).

4. Prior to submission, each such application shall be provided to Town Counsel, the Town Manager, and the Board of Selectmen for their respective review and approval, and for execution as may be necessary on behalf of the Town.
5. Town Counsel, in consultation with the Town Manager, is hereby authorized and directed to prepare any necessary Affordable Housing Restrictions, Land Dispositions Agreements, Request for Proposals, and other transaction documents necessary to effectuate the Project.
6. The Town Manager is hereby authorized to determine the value of the Property subject to the terms and conditions of the Comprehensive Permit and the affordable housing restrictions to be imposed on the Property. Said determination shall be made under G.L. c. 30B, § 16(b), through procedures customarily accepted by the appraising profession as valid, including in the judgment of the Town Manager a real estate appraisal from a qualified real estate expert familiar with property values in the Town of Acton.
7. In the event the value of the Property as so determined exceeds twenty-five thousand dollars in value, ACHC is hereby authorized to issue a Request for Proposals ("RFP") in accordance with documents to be prepared by Town Counsel and approved by the Town Manager and the Board of Selectmen for the prospective conveyance of the Property conditioned upon the construction and implementation of the Project. Without limitation, the RFP shall condition such disposition of the Property on the approval of Town Meeting and the further approval of the Board of Selectmen under St. 1996, c. 143, § 2(d) and/or other applicable law.
8. Town Counsel, in consultation with the Town Manager, is hereby authorized and directed to prepare any necessary warrant articles for the next Town Meeting to authorize the Selectmen to convey the Property to ACHC for purposes of re-conveyance to a developer who shall develop the affordable housing Project on the Property, subject to applicable law, subject to terms and conditions established by the Selectmen, and subject to the terms and conditions of the Comprehensive Permit and the affordable housing restrictions to be imposed on the Property for the Project.
9. For purposes of G.L. c. 40, § 15, the proposed warrant article authorizing the Board of Selectmen to convey the Property to ACHC shall specify the amount to be paid by ACHC for such conveyance as **\$202,548**, which when paid shall be applied, in the following order, to (a) the taxes, interest and penalties outstanding with respect to the Property, (b) the required amount of the payment in lieu of taxes that would be required from a buyer of the property, calculated in accordance with G.L. c. 44, § 63A, as of the date of the conveyance, (c) the assessment, containment and removal costs incurred by the Town with respect to the environmental condition of the Property, and (d) the attorney's fees and costs related to the Town's investigation of environmental contamination at the Property and the lawsuit to collect those costs.

IN WITNESS WHEREOF, the Board has caused the foregoing to be moved, seconded, and approved at an open meeting duly called and noticed for the purpose on this 18<sup>th</sup> day of July, 2005.

TOWN OF ACTON, MASSACHUSETTS,  
By its Board of Selectmen

\_\_\_\_\_  
Peter K. Ashton, Chairman

\_\_\_\_\_  
Walter M. Foster, Vice Chairman

\_\_\_\_\_  
Lauren Rosenzweig

\_\_\_\_\_  
F. Dore' Hunter, Acting Clerk

**CONDOMINIUM CONVERSION, SOMERSET HILLS LIMITED PARTNERSHIP, 10-16 WAMPUS AVENUE** – presentation by Attorney John Costgo and George Morrill changing the Wampus Ave apartments to Condos.

**Selectman Dore' Hunter moved to pass the conversion as amended. Selectman Rosenzweig seconded. Unanimous vote in favor of the amendments are as follows:**

3.2.1 (bullet 1) Selectmen agree to eliminate the specific hours for showing apartments and add terminology that would allow for the showing of apartments at a time mutually agreed upon by the owner and tenant.

3.2.1 (bullet 3) Provisions for hours of construction are to increase by the addition of Saturday hours 9AM - 2PM.

3.2.9 Maximum sale price listed in this paragraph to be specified as the "maximum initial sale price"

**NSTAR POLE LOCATION HEARING, 136 MAIN STREET** - Christine Crosby was present to answer questions and concerns about the new pole installation.

**Selectman Ashton moved to pass the new pole installation, with conditions, a fire survey to be done before wires are moved and N-Star to work with the Municipal Properties Director to remove excess poles that have been left in areas creating a hazard. (Conditions as contained in Engineering Memo) and Selectman Hunter seconded. Additional conditions set are:**

**Special Conditions for Utility Pole #31/53 – 136 Main Street, Acton, MA**

Cables to be attached to the new utility pole 31/53 are as follows:

- Top of pole is primary cable
- 20-inches below is secondary cable
- 24-inches below is the fire alarm cable
- 10-inches below is cable TV
- 20-inches below is telephone

The new utility pole will be:

- 45 feet high with 6 feet in the ground
- Made of hard pine (penta)
- Pressure treated through injection (not to be treated by NStar)
- No guy wires allowed
- On top of the pole will be 336 open wire primary cable – 20" below will be the 3x1/0 secondary cable

**Unanimous vote in favor of approving the pole.**

**FREEDOM'S WAY HERITAGE ASSOCIATION** – Due to emergency, Freedom's Way Heritage Association canceled their presentation.

**ECONOMIC DEVELOPMENT INDUSTRIAL CORPORATION (EDIC) OVERSIGHT MEETING** A presentation by Josh Chernin and Jim Walker spoke to the need to reposition EDIC, the need for guidance from BOS, and the need of law interpretation from the town's counsel with regards to 30B and rewriting legislation. The Board strongly feels that there can be great benefit from maintaining the EDIC.

**Selectman Ashton was assigned to be a liaison and the Town Manager was authorized to utilize Town counsel. Put EDIC on "State of the Town".**

## **SELECTMEN'S BUSINESS**

**TOWN CLERK APPOINTMENT** – The Board of Selectmen, as appointing authority, reviewed the performance of acting Town Clerk Eva Bowen. With many positive comments.

**Selectman Hunter moved to appoint Eva Bowen to the Town Clerk position. Term to expire 7/15/08. Selectman Rosenzweig seconded. Unanimous vote in favor of approving the appointment.**

**REQUEST FOR EXTENSION OF ENVIRONMENTAL PROTECTION AGENCY (EPA) PUBLIC COMMENT PERIOD, W.R. GRACE** – The EPA, having noted the ongoing contamination and rejecting the premise that the W.R. Grace site's pollution plume is in any further need of active clean-up and the lack of response time for Public Comment, leaves the Board no option but to vote to accept to release to the public the Press Release and Letter. The Board requested the Town Manager send it to all State and Federal Departments in the chain of command up to and including the White House. Additionally it was noted the July 19<sup>th</sup> meeting with EPA will allow dialogue but the Aug 4<sup>th</sup> meeting will only allow questions with no answers. The answers to be in writing only after EPA and W.R. Grace reach a decision. Selectman Hunter moved to pass, Selectman Rosenzweig seconded.

**Unanimous vote in favor of accepting and sending out the Press Release and the letter.**

**SELECTMEN DISCUSSION OF ISSUES FOR COMCAST LICENSE HEARING** – The Board discussed the issues not currently in compliance with the Comcast License.

- Televised coverage of meetings other than the Board of Selectmen, Finance Committee and School Committees
- Signal quality of televised meetings
- Proper operation of cameras, sound and character generation equipment
- Unpredictable viewing schedule
- Solicitation of new community-based programming
- Demographics of Channel 8 viewers and what they watch
- Lack of performance with respect to deliverables in contract
- Financial Data:
- Pricing and latest rate increase
- Franchise related costs
- Financial reporting showing 33% increase in profits

Before the Review Hearing on August 8; the Board is also requesting that documentation be sent to Comcast listing the current non-compliance issues. (Draft list to be circulated for Board approval). If this notice is ignored then The Board recommends voiding the contract due to lack of performance.

**2005-2006 BOARD AND COMMITTEE REAPPOINTMENT LIST** – The Town Manager is to review the charter to determine if a revision is necessary to allow for Associate members on some committees. All members on the list of committees, are to be designated as Special Municipal Employees. Fix status of Nancy Tavernier as Associate to Community Preservation Commission, Sunset Don Herskovitz from Lowell Regional Transit Authority. It was noted that in the State of the Town it showed a lack of volunteers.

**Selectman Ashton moved to pass all appointments. Selectman Rosenzweig seconded. The vote was unanimous for all reappointments.**

**SELECTMAN RESIGNATION** – Selectman Johnson submitted his resignation. Bob Johnson was also Clerk. Those duties will be taken over by Dore' Hunter. Selectman liaisons to the following committees that Bob had held were made; Board of Health: Walter Foster, Transportation Advisory Committee: Lauren Rosenzweig, Lowell Regional Transit: Dore' Hunter, Economic Development and Industrial Corporation: Peter Ashton.

**Selectman Rosenzweig moved to pass, Selectman Ashton seconded, Selectman Hunter abstained.**

**TOWN MANAGER'S ANNUAL EVALUATION** – Selectman Hunter presented the Town Manager's annual review which was approved by the board. Selectman Hunter then moved to extend the Town Manager's contract for an additional year to maintain the 3 year term of contract, which the board then approved. Selectman Hunter moved to increase the Town Manager's base salary by \$1500.00 per year and to consider further increases after collective bargaining negotiations are settled.

**The Board approved unanimously.**

**Selectman Hunter then moved to have the Board of Selectmen reinstate the board's annual salaries as of July 1, 2005.**

**FY06 SENIOR WORK PROGRAM** - The Board of Selectmen finds the Senior Work Program is an excellent program and would like to investigate alternative funds to help support its ongoing mission. **Selectman Hunter moved to pass Donna Rochette's proposed expansion to 20 workers at 75 hours each. The monies as follows: 20 Workers, at \$10.00 an hour each, total of 75 hours per person. For a sum of not more than \$15,000.00 from the Audubon Hill fund.**

**Selectman Rosenzweig seconded. Unanimous vote in favor of approving the monies.**

**OTHER BUSINESS** – **Selectmen's annual pay** – Due to the fact that the selectmen's annual pay (\$750.00/annum for the Chairman and \$650.00/annum per member) offsets in part their out-of pocket expenses Board Member incur in performing their official duties;

**Selectman Hunter moves that the Selectmen shall receive full pay for the period 7/1/05-6/30/06. Selectman Ashton seconds. The vote was unanimous vote in favor.**

## **CONSENT AGENDA**

**The Board approved all consent items with the exception of # 21 held for discussion, #19 held for discussion and Selectman Rosenzweig abstained from the vote on Quail Ridge #20.**

**19. NINE MONTH WHEELABRATOR CONTRACT** – After discussion, Selectman Rosenzweig moved to pass, Selectman Ashton seconded. . Unanimous vote in favor of contract adjustment.

**20. ALL ALCOHOLIC BEVERAGES LICENSE AS A COMMON VICTUALER, QUAIL RIDGE COUNTRY CLUB, FAMILY CENTER** – Selectman Hunter moved to pass, Selectman Ashton seconded, Selectman Rosenzweig abstained.

**21. SPECIAL USE PERMIT FOR NOT YOUR AVERAGE JOE'S RESTURANT** – Passed with conditions, they need to rewrite their alcohol monitoring policy, will roll into consent when accomplished.

**22. CHAPTER 268 DISCLOSURE LETTER, MATTHEW LUNDBERG**

**23. ONE DAY LIQUOR LICENSE, AUGUST 18, 2005, NARA PARK, CIENA CORPORATION** –

**24. ONE DAY LIQUOR LICENSE, AUGUST 19, 2005, NARA PARK, CIENA CORPORATION (RAIN DATE)**

**25. ONE DAY LIQUOR LICENSE, JULY 24, 2005, NARA PARK, SUE ROPIAK**

**26. ONE DAY LIQUOR LICENSE, JULY 28, 2005, NARA PARK, TOWN OF ACTON**

**27. ONE DAY LIQUOR LICENSE, SEPTEMBER 9, 2005, NARA PARK, ROLAND BARTL**

**28. ACCEPT DONATION** – Accepted from the West Acton Citizens' Library for acceptance of the donation of a Library Membership to the Fruitlands Museum in Harvard from the Citizens' Library Auxiliary, valued at \$85.00.

**29. ACCEPT DONATION** – Accepted from the Natural Resources Director a donation of \$7,250.00 from Cambridge Savings Bank for sponsorship of the "KISS 108 Summer Games" at Acton Day, September 17, at NARA Park.

**30. ACCEPT DONATION** – Accepted to the Police Department a Donation of \$4,400.00 from Haartz Corporation towards the purchase of Safety Trailer to promote traffic safety in Acton

**31. ACCEPT DONATION** – Accepted donation to the Police Department surplus military equipment valued at \$76,840.00.

**32. PERMIT REQUEST** – Acton Lion's Club Town Fair, Parker Damon Building, School Facility,

## **TOWN MANAGER'S REPORT**

None

## EXECUTIVE SESSION

There will be a need for Executive Session. Selectman Rosenzweig moved to go into Executive Session to discuss the Curtis Agreement and the Parker Agreement. Roll call was taken, all Ayes. The Board adjourned into regular session only to adjourn the meeting.

## ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

August 29  
September 12 & 26  
October 17

December 12 & 19  
January 7 (Budget Saturday), 16 & 30  
February 13 & 27  
March 13 & 27

## GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

## GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Bob)
10. Middlesex Pension Alternatives (Walter)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

July 15, 2005

**TO:** Board of Selectmen, Sewer Commissioners

**FROM:** Peter Ashton, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners' Report

**July 18, 2005**

**7:00 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

1. **SEWER CONNECTION REQUEST, FAULKNER MILL REALTY, LLC, 4 HIGH STREET** – Enclosed please find the request of Faulkner Mill for permission to connect to the Middle Fort Pond Brook Sewer System, for Board consideration.
2. **SUPPLEMENTAL AMENDED ORDER FOR CONSTRUCTION, MIDDLE FORT POND BROOK SEWER SYSTEM** - Enclosed please find materials in the subject regard, for Board consideration.

**III PUBLIC HEARINGS & APPOINTMENTS**

3. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
4. **7:02 VETERANS' MEMORIAL PRESENTATION, PATRICK MURRAY** – Mr. Murray will address the Board regarding a proposal he has developed in conjunction with an Eagle Scout Project.
5. **7:05 BLANCHARD PLACE LOCAL INITIATIVE PROGRAM (LIP), 139 PROSPECT STREET** – Enclosed please find materials in the subject regard, for Board consideration.
6. **7:30 ACTON COMMUNITY HOUSING CORPORATION (ACHC)** - Enclosed please find materials regarding the Willow Street/Central Street project proposed by the ACHC, for Board consideration.
7. **8:00 CONDOMINIUM CONVERSION, SOMERSET HILLS LIMITED PARTNERSHIP, 10-16 WAMPUS AVENUE** - Enclosed please find the application of Somerset Hills Limited Partnership to convert the subject complex to condominiums, along with other related materials, for Board consideration.
8. **8:20 NSTAR POLE LOCATION HEARING, 136 MAIN STREET** - Enclosed please find materials in the subject regard, for Board consideration.

9. **8:30 FREEDOM'S WAY HERITAGE ASSOCIATION** – At the Board's request representatives of Freedom's Way Heritage Association will be in to describe their program.
10. **9:00 ECONOMIC DEVELOPMENT INDUSTRIAL CORPORATION (EDIC) OVERSIGHT MEETING** – Members of the EDIC will be in for their annual oversight meeting with the Board.

#### **IV SELECTMEN'S BUSINESS**

11. **TOWN CLERK APPOINTMENT** - Enclosed please find materials in the subject regard, for Board consideration.
12. **REQUEST FOR EXTENSION OF ENVIRONMENTAL PROTECTION AGENCY (EPA) PUBLIC COMMENT PERIOD, W.R. GRACE** - Enclosed please find materials in the subject regard, for Board consideration.
13. **SELECTMEN DISCUSSION OF ISSUES FOR COMCAST LICENSE HEARING** – The Chairman has asked that the Board discuss the issues it wishes to cover in the Comcast License Review Hearing on August 8.
14. **2005-2006 BOARD AND COMMITTEE REAPPOINTMENT LIST** - Enclosed please find materials in the subject regard, for Board consideration.
15. **SELECTMAN RESIGNATION** – Enclosed please find Selectman Johnson's resignation, for Board consideration. Charter section for process.
16. **TOWN MANAGER'S ANNUAL EVALUATION** – Enclosed please find Selectman Hunter's recommended evaluation of the Town Manager for the year ended June 30, 2005, for Board consideration.
17. **FY06 SENIOR WORK PROGRAM** - Enclosed please find materials in the subject regard, for Board consideration.
18. **OTHER BUSINESS**

#### **V CONSENT AGENDA**

19. **NINE MONTH WHEELABRATOR CONTRACT** - Enclosed please find materials in the subject regard, for Board consideration.
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32. **PERMIT REQUEST** – Acton Lion's Club Town Fair, Parker Damon Building, School Facility, for Board Consideration.

## **VI TOWN MANAGER'S REPORT**

## **VII EXECUTIVE SESSION**

33. There will be a need for an Executive Session. Information is in the confidential folder.

### **ADDITIONAL INFORMATION**

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3/12/07  
(28)

# **Minutes Board of Selectmen and Sewer Commissioner's Meeting**

**August 8, 2005**  
Frances Faulkner Hearing Room  
Acton Town Hall

**Special Start Time 6:15 P.M.**

## **EXECUTIVE SESSION**

There will be a need for executive session.

## **CITIZENS' CONCERNS**

There were none.

## **SEWER COMMISSIONERS' BUSINESS**

Yankee Village Wastewater Advisory Committee and Trustees of Yankee Village met regarding interest in connecting to the sewer system. The Board recommends allowing Yankee Village to connect. The Board cannot contribute to the financing of the connection. It was stated that they would have to pay privilege fee upfront.  
**Selectman Hunter moves to allow connection, Selectman Rosenzweig seconds. The vote was unanimous.**

## **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** — Town Manager Don Johnson briefed the Board on changes at the Transfer station regarding no longer accepting commercial trash.

**WEST ACTON CITIZENS' LIBRARY VACANCY** - The Library Trustees recommended Nancy Lenicheck to Library Trustee to fill vacancy of Virginia Rhude.  
**Selectman Hunter moved Nancy's appointment. Selectman Rosenzweig seconded the nomination. Unanimous vote of the two remaining West Acton trustees and the Board of Selectmen.**

**CBC PERSONAL TRAINING ACADEMY 525 MAIN STREET #6-14-05-403** — **"Commercial Recreation"** zoning bylaws require special permit. The Chairman read notice of Public Hearing will be continued to Aug. 29<sup>th</sup> at 7:30pm.  
**Selectman Hunter moves to continue the hearing Selectman Rosenzweig seconds. The vote was unanimous.**

**NARA PARK ONE DAY LIQUOR LICENSE** — An applicant came before the Board to request a one day liquor license at NARA Park for a Graduation Party on August 27, 2005. The Board stressed the applicant's responsibility for monitoring the service and consumption of alcohol. The Applicant stated that he understands his responsibility.

**Selectman Hunter moves to allow the request for a one day liquor license, Selectman Rosenzweig seconds. The vote was unanimous.**

**CABLE ADVISORY OVERSIGHT HEARING** - The annual Cable Advisory Oversight hearing was attended by members Frits Riep, John Covert, Terry Landers and Mark Eisenberg. The Board inquired as to manning of the Committee. The Cable Committee responded it is in much better shape than in previous years when it was fully manned. Selectman Rosenzweig inquired about the poor sound, which the Committee responded they have been told by Comcast that the sound problem is a Town Problem. Cable Advisory believes there is a need to solve the audio problem as it happens, as some people appear to have sound while other customers do not. Room 204 should have monitor and phone. Other problems that the Cable Advisory Committee also noted were, hours of studio operations, need for more town volunteers, classes to be offered by Comcast and taught to others by trained personnel (possibly a trained volunteer) to increase the volunteer base. Selectman Rosenzweig asked about local programming on the available 3 channels. Comcast does not provide the necessary reports on a timely basis which restricts the ability of Cable Advisory to perform its' duties. Comcast vs. Verizon sets up potential problem. Regulatory setup may change soon. Comcast defaulting on reports is not a basis for terminating the contract. A citizen requested a copy of expenditure history from the technology fund and the amount in it at this time. Ms Friedrichs spoke in favor of the access Corp. and asked that if the contract contained a penalty clause?

**COMCAST LICENSE REVIEW HEARING** - The Board opened the Hearing with Comcast Rob Travers, Rick Degen and Jason Walker. Mr. Travers made an opening statement about the technical improvements made over the last year, including upgraded digital system, High Definition Signal, On Demand access, increased speed for internet access and improved customer service. Mr. Travers stated Comcast had opened a New England answering center, which has raised the level of satisfaction for the customer base. He spoke regarding Comcast's community involvement in such programs as Comcast Cares Day, a program for Comcast employees to work in the Community a day each year. Comcast also has a Leaders and Achievers Scholarship Fund and donates to community programs such as Acton Day. \$928,000 was the cost of the Town's I-net (dedicated fiber network for the town) and other monies that they have placed into the system over the last 5 years. Selectman Ashton asked about the recurring report problem that was last discussed in December 2002 and at that time an e-mail from Mr. Travers stated he would cure the problem. Selectman Hunter inquired about reports which have not been conveyed and were to be delivered this evening. Mr. Travers has said that Community quarterly reports will be provided on time in the future. Bonds and insurance reports are good for the life of the franchise and do not need to be resubmitted each year. Financial reports are sent yearly. Telephone reports continue to be late. Complaint reports (form 500) are reported annually in January. The line extension reports are reports of plant or line extensions. Selectman Hunter asked that the access report entries be expanded to allow the reader to understand the entry fully. The Selectmen are interested in community programming with the availability of 3 channels being fully used. Additionally noted were the minimum time requirements that the studio be opened had not been met and that no operational reports on studio time have been filed. Jason Walker is the new production technician. No technician reports have been generated. Rob Travers sees a lessening of complaints. Selectman Rosenzweig asked if Comcast tracks viewer habits. Comcast replied they do not. Mr. Travers reviewed in general the contract terms for contractual default. In January the rate increase of 6% -12 %, resulted from system improvements. The cost of buying programs has increased. Programming costs have increased about 9% over three years and program revenues have increased 18%. Operating expenses increased less than 3%. Franchise fee increased greater than other communities. Mr. Travers stated that towns are given the opportunity to participate in

the rate setting process. Mr. Travers stated the I-net was the cause of the increase. Cable Advisory Committee showed willingness to take on public access. (Does Comcast use for producing shows)? What advice do you have on the sharing of the three channels? Selectman Ashton recommended that Comcast meet with Acton's IT people and organize how and when reports are received and how to evaluate the content of the reports. Selectman Ashton noted that Comcast was to advertise hearing for 7 consecutive days. Rob Travers responded that the Town and Bill Solomon along with the Cable Advisory Committee is to advise Comcast on provisions of the existing contract.

**Selectman Hunter moves to continue the hearing, Selectman Rosenzweig seconds that the hearing is continued until September 26 at 7:25 PM, the decision was unanimous.**

**TRANSPORTATION ADVISORY COMMITTEE OVERSIGHT HEARING-** The annual Transportation Advisory Oversight Hearing was attended by Ann Sussman, Arthur Wu and Antonio Santoro. The TAC is down one full member and 2 associates. The committee has lost all the professionally trained traffic engineers. The Board stated it would like to fill this expertise as it appoints new members. The Board thanked the committee for all its prior efforts and reminded TAC about the South Acton commuter lot study committee. Selectman Rosenzweig also reminded the public that TAC is a transportation committee not just a vehicle/traffic committee. TAC has a draft report on pedestrian improvements, which should be released in the near future. Selectman Ashton briefed the committee about the State of the Town Meeting. Would the TAC have any thoughts or ideas to contribute to the meeting? Terra Friedrichs questioned the lack of commonality in design of sidewalks and the developer contribution rate. Ann Sussman suggested pervious paving not allowed in Acton.

## **SELECTMEN'S BUSINESS**

**139 PROSPECT STREET LIP APPLICATION** — The 139 Prospect Street Lip Application was continued from The Board Meeting on July 18<sup>th</sup>. After review, waiving the sewer privilege fee could not be supported by Selectman Ashton and Selectman Hunter. Steve Marsh agreed to eliminate the betterment waiver request.

**Selectman Hunter moved approval of the LIP support letter, Selectman Rosenzweig seconds, and unanimous vote.**

**PUBLIC HEARING RE: W.R. GRACE** - Selectman Rosenzweig briefed the Board on the EPA hearings of the last two weeks. Including that the Public Comment Period had been moved up to September 8, 2005. Selectman Rosenzweig spoke to the cooperation of both the Federal and Massachusetts Legislators in support of the need for active remediation of the contaminated water table. She noted EPA's relationship with Grace and the lack of providing the Town of Acton with all the data that was in the record. (EPA's apparent rush to judgment without giving the Town sufficient time to review the documents that had been generated by the Town's Freedom of Information Request). A great number of documents were delivered to the Town the day prior to the public hearings. Selectman Rosenzweig thanked all those that participated and asked for thank you letters to be sent to all State Senators and Representatives who helped at the last minute.

**FORMAL DEDICATION OF THE PUBLIC SAFETY BUILDING** - Selectman Hunter is inclined to move the dedication one week further out than was originally planned. The Board would make the dedication Oct. 8. Additionally, Selectman Hunter would like to dedicate Room 204 as the Faulkner Room during the Selectmen's meeting on September 26. The Town Manager will

contact the Historical Commission for dedication names on other rooms in Town Hall that are used as public meeting rooms.

## OTHER BUSINESS

Selectman Ashton briefed the Board on Acton Leadership Group. Lt. Governor Healy is to have a session briefing on Health Care and School Funding on August 8, 2005. Selectman Ashton would like to attend if his schedule allows. The Board would like to be sure that the Schools know about the briefing.

**Not Your Average Joe's was approved, it had been continued with conditions the previous meeting.**

## CONSENT AGENDA

Selectman Hunter Moves to Approve and Selectman Rosenzweig seconds with the exception of #13.  
**Unanimous Vote**

**13. RECREATION COMMISSION APPOINTMENT** — The Recreation Commission and VCC request Sasha O'Connell be moved to full member. Selectman Ashton requested that the Board would wish to interview Ms O'Connell. **The Board will interview Ms O'Connell on the 29th of August at 7:45 pm.**

**14. CONSERVATION COMMISSION APPOINTMENT TO FULL MEMBER** — The Conservation Commission & the VCC request that Janet Adachi be appointed to full membership.

**15. METROPOLITAN AREA PLANNING COUNCIL** — The MACP requested the appointment of Selectman Lauren Rosenzweig as Acton's representative for a 3 year term.

**16. STREET LIGHT REQUEST MUNICIPAL PROPERTIES** — Requested Street Lights, Massachusetts Avenue near Charter Road and School Street near Sandy Drive.

**17. ACCEPT DONATION, Recreation Department** - Donation of 1 Moon Bounce, 1 Generator and 1 Attendant, for Community Event known as Acton Day. Estimated cost \$500.00 includes delivery.

**18. ACCEPT DONATION, Recreation Department** - Four round trip tickets to Iceland and a \$250 gift card from Kiss 108 FM to be used as raffle prizes.

## TOWN MANAGER'S REPORT

There was none.

## EXECUTIVE SESSION

There will be a need for Executive Session. Selectman Rosenzweig move to go into Executive Session to discuss future executive session meetings. Roll was taken, all Ayes. The Board adjourned into regular session only to adjourn the meeting.

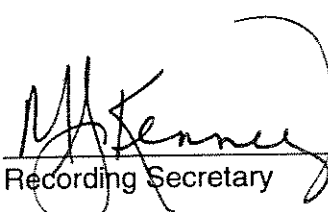
## FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is NOT a complete Agenda.

August 29	January 7 (Budget Saturday), 16 & 30
September 12&26	February 13&27
October 17	March 13 & 27
December 12 & 19	

### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Selectman Foster)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year  
GOALS carried forward
5. Monitor Labor Negotiations (Selectman Ashton)
6. Improve Communication with Town Boards (ALL), Improving inter Board Communication (Selectman Hunter)
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Selectman Ashton)
8. ALG process be used for purpose of Budget Planning for FY05 (Selectmen Hunter and Ashton)
9. Process Planning for "Life after NESWC" (xxx)
10. Middlesex Pension Alternatives (Selectman Foster)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

3/12/07  
Date

August 03, 2005

**TO:** Board of Selectmen, Sewer Commissioners

**FROM:** Peter Ashton, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners' Report

**August 08, 2005**

## ***Special Start Time 6:15 P.M.***

### **I EXECUTIVE SESSION**

1. **LEGAL STRATEGY DISCUSSION**
  - a. EPA re: W.R. GRACE POLLUTION ABATEMENT MEASURES
  - b. MIDDLESEX RETIREMENT BOARD
  - c. PERSONNEL MATTERS

Enclosed please find materials in the subject regard, for Board consideration.

### **II CITIZENS' CONCERNS**

### **III PUBLIC HEARINGS & APPOINTMENTS**

2. **7:02 WEST ACTON CITIZENS' LIBRARY VACANCY** - Enclosed please find materials in the subject regard, for Board consideration
3. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
4. **7:15 CBC PERSONAL TRAINING ACADEMY 525 MAIN STREET #6-14-05-403** – “Commercial Recreation” zoning bylaws require special permit. Additionally, a special permit to extend sidewalks for pedestrian safety would be required. Enclosed please find materials in the subject regard, for Board consideration.
5. **7:18 NARA PARK ONE DAY LIQUOR LICENSE** – Request for Permit for a one day liquor license at NARA Park for a Graduation Party, August 27, 2005
6. **7:30 CABLE ADVISORY OVERSIGHT HEARING** - Enclosed please find materials in the subject regard, for Board consideration.
7. **8:00 COMCAST LICENSE REVIEW HEARING** - Enclosed please find materials in the subject regard, for Board consideration.

8. **8:30 TRANSPORTATION ADVISORY COMMITTEE OVERSIGHT HEARING-**  
Enclosed please find materials in the subject regard, for Board consideration.

#### **IV SELECTMEN'S BUSINESS**

9. **139 PROSPECT STREET LIP APPLICATION** - Enclosed please find materials regarding the 139 Prospect Street LIP project.
10. **PUBLIC HEARING RE: W.R. GRACE** - Selectwoman Rosenzweig will update the Board on the August 4, 2005 Public Hearing.
11. **FORMAL DEDICATION OF THE PUBLIC SAFETY BUILDING** - Enclosed please find materials in the subject regard, for Board consideration.
12. **OTHER BUSINESS**

#### **V CONSENT AGENDA**

13. **RECREATION COMMISSION APPOINTMENT** – The Recreation Commission & the VCC request Sasha O'Connell be moved to full member. Enclosed please find materials in the subject regard, for Board consideration.
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16. **STREET LIGHT REQUEST MUNICIPAL PROPERTIES** – Massachusetts Avenue near Charter Road and School Street near Sandy Drive. Enclosed please find materials in the subject regard, for Board consideration.
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## **VI SEWER COMMISSIONERS' BUSINESS**

19. **YANKEE VILLAGE** - Wastewater Advisory Committee and Trustees of Yankee Village met regarding interest in connecting to the sewer system. Enclosed please find materials in the subject regard, for Board consideration

## **VII TOWN MANAGER'S REPORT**

## **VIII EXECUTIVE SESSION**

20. There may be a need for an Executive Session.

## **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## **FUTURE AGENDAS**

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